

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 158

Representatives Roemer, Miller, M.

Cosponsors: Representatives Ferguson, Fowler Arthur, Gross, Johnson, Brennan, Carruthers, Creech, Edwards, Forhan, Jones, Kick, Lorenz, Loychik, Mathews, Merrin, Peterson, Ray, Rogers, Upchurch, Willis, Young, T.

A BILL

To amend sections 2925.01, 3333.26, 4709.01, 1
4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 2
4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 3
4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4
4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 5
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 6
4713.35, 4713.39, 4713.41, 4713.46, 4713.49, 7
4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 8
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 9
4713.66, 4713.69, and 4713.99; to enact new 10
sections 4709.02, 4709.03, 4709.05, 4709.10, 11
4709.13, 4713.44, and 4713.45 and sections 12
4709.031, 4709.051, 4709.071, 4709.072, 13
4709.073, 4709.091, 4709.111, and 4709.112; and 14
to repeal sections 4709.02, 4709.03, 4709.05, 15
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 16
4713.44, and 4713.45 of the Revised Code to make 17
changes to the law governing the regulation of 18
cosmetologists and barbers and to amend the 19
versions of sections 4709.07, 4709.08, 4713.10, 20
4713.28, 4713.30, 4713.31, 4713.34, and 4713.69 21
and to repeal the version of 4709.10 of the 22

Revised Code that are scheduled to take effect 23
on December 29, 2023, to continue the changes on 24
and after that date. 25

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2925.01, 3333.26, 4709.01, 26
4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 27
4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 28
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 29
4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 4713.41, 30
4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 31
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 4713.69, 32
and 4713.99 be amended and new sections 4709.02, 4709.03, 33
4709.05, 4709.10, 4709.13, 4713.44, and 4713.45 and sections 34
4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 35
4709.111, and 4709.112 of the Revised Code be enacted to read as 36
follows: 37

Sec. 2925.01. As used in this chapter: 38

(A) "Administer," "controlled substance," "controlled 39
substance analog," "dispense," "distribute," "hypodermic," 40
"manufacturer," "official written order," "person," 41
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 42
"schedule III," "schedule IV," "schedule V," and "wholesaler" 43
have the same meanings as in section 3719.01 of the Revised 44
Code. 45

(B) "Drug of abuse" and "person with a drug dependency" 46
have the same meanings as in section 3719.011 of the Revised 47
Code. 48

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit 78
doses of a compound, mixture, preparation, or substance that is 79
or contains any amount of phencyclidine; 80

(f) An amount equal to or exceeding one hundred twenty 81
grams or thirty times the maximum daily dose in the usual dose 82
range specified in a standard pharmaceutical reference manual of 83
a compound, mixture, preparation, or substance that is or 84
contains any amount of a schedule II stimulant that is in a 85
final dosage form manufactured by a person authorized by the 86
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 87
U.S.C.A. 301, as amended, and the federal drug abuse control 88
laws, as defined in section 3719.01 of the Revised Code, that is 89
or contains any amount of a schedule II depressant substance or 90
a schedule II hallucinogenic substance; 91

(g) An amount equal to or exceeding three grams of a 92
compound, mixture, preparation, or substance that is or contains 93
any amount of a schedule II stimulant, or any of its salts or 94
isomers, that is not in a final dosage form manufactured by a 95
person authorized by the Federal Food, Drug, and Cosmetic Act 96
and the federal drug abuse control laws. 97

(2) An amount equal to or exceeding one hundred twenty 98
grams or thirty times the maximum daily dose in the usual dose 99
range specified in a standard pharmaceutical reference manual of 100
a compound, mixture, preparation, or substance that is or 101
contains any amount of a schedule III or IV substance other than 102
an anabolic steroid or a schedule III opiate or opium 103
derivative; 104

(3) An amount equal to or exceeding twenty grams or five 105
times the maximum daily dose in the usual dose range specified 106
in a standard pharmaceutical reference manual of a compound, 107

mixture, preparation, or substance that is or contains any 108
amount of a schedule III opiate or opium derivative; 109

(4) An amount equal to or exceeding two hundred fifty 110
milliliters or two hundred fifty grams of a compound, mixture, 111
preparation, or substance that is or contains any amount of a 112
schedule V substance; 113

(5) An amount equal to or exceeding two hundred solid 114
dosage units, sixteen grams, or sixteen milliliters of a 115
compound, mixture, preparation, or substance that is or contains 116
any amount of a schedule III anabolic steroid; 117

(6) For any compound, mixture, preparation, or substance 118
that is a combination of a fentanyl-related compound and any 119
other compound, mixture, preparation, or substance included in 120
schedule III, schedule IV, or schedule V, if the defendant is 121
charged with a violation of section 2925.11 of the Revised Code 122
and the sentencing provisions set forth in divisions (C)(10)(b) 123
and (C)(11) of that section will not apply regarding the 124
defendant and the violation, the bulk amount of the controlled 125
substance for purposes of the violation is the amount specified 126
in division (D)(1), (2), (3), (4), or (5) of this section for 127
the other schedule III, IV, or V controlled substance that is 128
combined with the fentanyl-related compound. 129

(E) "Unit dose" means an amount or unit of a compound, 130
mixture, or preparation containing a controlled substance that 131
is separately identifiable and in a form that indicates that it 132
is the amount or unit by which the controlled substance is 133
separately administered to or taken by an individual. 134

(F) "Cultivate" includes planting, watering, fertilizing, 135
or tilling. 136

(G) "Drug abuse offense" means any of the following:	137
(1) A violation of division (A) of section 2913.02 that	138
constitutes theft of drugs, or a violation of section 2925.02,	139
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	140
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	141
or 2925.37 of the Revised Code;	142
(2) A violation of an existing or former law of this or	143
any other state or of the United States that is substantially	144
equivalent to any section listed in division (G)(1) of this	145
section;	146
(3) An offense under an existing or former law of this or	147
any other state, or of the United States, of which planting,	148
cultivating, harvesting, processing, making, manufacturing,	149
producing, shipping, transporting, delivering, acquiring,	150
possessing, storing, distributing, dispensing, selling, inducing	151
another to use, administering to another, using, or otherwise	152
dealing with a controlled substance is an element;	153
(4) A conspiracy to commit, attempt to commit, or	154
complicity in committing or attempting to commit any offense	155
under division (G)(1), (2), or (3) of this section.	156
(H) "Felony drug abuse offense" means any drug abuse	157
offense that would constitute a felony under the laws of this	158
state, any other state, or the United States.	159
(I) "Harmful intoxicant" does not include beer or	160
intoxicating liquor but means any of the following:	161
(1) Any compound, mixture, preparation, or substance the	162
gas, fumes, or vapor of which when inhaled can induce	163
intoxication, excitement, giddiness, irrational behavior,	164
depression, stupefaction, paralysis, unconsciousness,	165

asphyxiation, or other harmful physiological effects, and	166
includes, but is not limited to, any of the following:	167
(a) Any volatile organic solvent, plastic cement, model	168
cement, fingernail polish remover, lacquer thinner, cleaning	169
fluid, gasoline, or other preparation containing a volatile	170
organic solvent;	171
(b) Any aerosol propellant;	172
(c) Any fluorocarbon refrigerant;	173
(d) Any anesthetic gas.	174
(2) Gamma Butyrolactone;	175
(3) 1,4 Butanediol.	176
(J) "Manufacture" means to plant, cultivate, harvest,	177
process, make, prepare, or otherwise engage in any part of the	178
production of a drug, by propagation, extraction, chemical	179
synthesis, or compounding, or any combination of the same, and	180
includes packaging, repackaging, labeling, and other activities	181
incident to production.	182
(K) "Possess" or "possession" means having control over a	183
thing or substance, but may not be inferred solely from mere	184
access to the thing or substance through ownership or occupation	185
of the premises upon which the thing or substance is found.	186
(L) "Sample drug" means a drug or pharmaceutical	187
preparation that would be hazardous to health or safety if used	188
without the supervision of a licensed health professional	189
authorized to prescribe drugs, or a drug of abuse, and that, at	190
one time, had been placed in a container plainly marked as a	191
sample by a manufacturer.	192

(M) "Standard pharmaceutical reference manual" means the	193
current edition, with cumulative changes if any, of references	194
that are approved by the state board of pharmacy.	195
(N) "Juvenile" means a person under eighteen years of age.	196
(O) "Counterfeit controlled substance" means any of the	197
following:	198
(1) Any drug that bears, or whose container or label	199
bears, a trademark, trade name, or other identifying mark used	200
without authorization of the owner of rights to that trademark,	201
trade name, or identifying mark;	202
(2) Any unmarked or unlabeled substance that is	203
represented to be a controlled substance manufactured,	204
processed, packed, or distributed by a person other than the	205
person that manufactured, processed, packed, or distributed it;	206
(3) Any substance that is represented to be a controlled	207
substance but is not a controlled substance or is a different	208
controlled substance;	209
(4) Any substance other than a controlled substance that a	210
reasonable person would believe to be a controlled substance	211
because of its similarity in shape, size, and color, or its	212
markings, labeling, packaging, distribution, or the price for	213
which it is sold or offered for sale.	214
(P) An offense is "committed in the vicinity of a school"	215
if the offender commits the offense on school premises, in a	216
school building, or within one thousand feet of the boundaries	217
of any school premises, regardless of whether the offender knows	218
the offense is being committed on school premises, in a school	219
building, or within one thousand feet of the boundaries of any	220
school premises.	221

(Q) "School" means any school operated by a board of 222
education, any community school established under Chapter 3314. 223
of the Revised Code, or any nonpublic school for which the state 224
board of education prescribes minimum standards under section 225
3301.07 of the Revised Code, whether or not any instruction, 226
extracurricular activities, or training provided by the school 227
is being conducted at the time a criminal offense is committed. 228

(R) "School premises" means either of the following: 229

(1) The parcel of real property on which any school is 230
situated, whether or not any instruction, extracurricular 231
activities, or training provided by the school is being 232
conducted on the premises at the time a criminal offense is 233
committed; 234

(2) Any other parcel of real property that is owned or 235
leased by a board of education of a school, the governing 236
authority of a community school established under Chapter 3314. 237
of the Revised Code, or the governing body of a nonpublic school 238
for which the state board of education prescribes minimum 239
standards under section 3301.07 of the Revised Code and on which 240
some of the instruction, extracurricular activities, or training 241
of the school is conducted, whether or not any instruction, 242
extracurricular activities, or training provided by the school 243
is being conducted on the parcel of real property at the time a 244
criminal offense is committed. 245

(S) "School building" means any building in which any of 246
the instruction, extracurricular activities, or training 247
provided by a school is conducted, whether or not any 248
instruction, extracurricular activities, or training provided by 249
the school is being conducted in the school building at the time 250
a criminal offense is committed. 251

(T) "Disciplinary counsel" means the disciplinary counsel 252
appointed by the board of commissioners on grievances and 253
discipline of the supreme court under the Rules for the 254
Government of the Bar of Ohio. 255

(U) "Certified grievance committee" means a duly 256
constituted and organized committee of the Ohio state bar 257
association or of one or more local bar associations of the 258
state of Ohio that complies with the criteria set forth in Rule 259
V, section 6 of the Rules for the Government of the Bar of Ohio. 260

(V) "Professional license" means any license, permit, 261
certificate, registration, qualification, admission, temporary 262
license, temporary permit, temporary certificate, or temporary 263
registration that is described in divisions (W) (1) to (37) of 264
this section and that qualifies a person as a professionally 265
licensed person. 266

(W) "Professionally licensed person" means any of the 267
following: 268

(1) A person who has received a certificate or temporary 269
certificate as a certified public accountant or who has 270
registered as a public accountant under Chapter 4701. of the 271
Revised Code and who holds an Ohio permit issued under that 272
chapter; 273

(2) A person who holds a certificate of qualification to 274
practice architecture issued or renewed and registered under 275
Chapter 4703. of the Revised Code; 276

(3) A person who is registered as a landscape architect 277
under Chapter 4703. of the Revised Code or who holds a permit as 278
a landscape architect issued under that chapter; 279

(4) A person licensed under Chapter 4707. of the Revised 280

Code;	281
(5) A person who has been issued a certificate of	282
registration as a registered barber's license, barber	283
instructor's license, assistant barber instructor's license, or	284
independent contractor's license under Chapter 4709. of the	285
Revised Code;	286
(6) A person licensed and regulated to engage in the	287
business of a debt pooling company by a legislative authority,	288
under authority of Chapter 4710. of the Revised Code;	289
(7) A person who has been issued a cosmetologist's	290
license, hair designer's license, manicurist's license,	291
esthetician's license, natural hair stylist's license, advanced	292
cosmetologist's license to practice cosmetology, advanced hair-	293
designer's license to practice hair design, advanced	294
manicurist's license to practice manicuring, advanced	295
esthetician's license to practice esthetics, advanced natural-	296
hair stylist's license to practice natural hair styling,	297
cosmetology instructor's license, hair design instructor's	298
license, manicurist instructor's license, esthetics instructor's	299
license, natural hair style instructor's license, independent	300
contractor's license, or tanning facility permit under Chapter	301
4713. of the Revised Code;	302
(8) A person who has been issued a license to practice	303
dentistry, a general anesthesia permit, a conscious sedation	304
permit, a limited resident's license, a limited teaching	305
license, a dental hygienist's license, or a dental hygienist's	306
teacher's certificate under Chapter 4715. of the Revised Code;	307
(9) A person who has been issued an embalmer's license, a	308
funeral director's license, a funeral home license, or a	309

crematory license, or who has been registered for an embalmer's 310
or funeral director's apprenticeship under Chapter 4717. of the 311
Revised Code; 312

(10) A person who has been licensed as a registered nurse 313
or practical nurse, or who has been issued a certificate for the 314
practice of nurse-midwifery under Chapter 4723. of the Revised 315
Code; 316

(11) A person who has been licensed to practice optometry 317
or to engage in optical dispensing under Chapter 4725. of the 318
Revised Code; 319

(12) A person licensed to act as a pawnbroker under 320
Chapter 4727. of the Revised Code; 321

(13) A person licensed to act as a precious metals dealer 322
under Chapter 4728. of the Revised Code; 323

(14) A person licensed under Chapter 4729. of the Revised 324
Code as a pharmacist or pharmacy intern or registered under that 325
chapter as a registered pharmacy technician, certified pharmacy 326
technician, or pharmacy technician trainee; 327

(15) A person licensed under Chapter 4729. of the Revised 328
Code as a manufacturer of dangerous drugs, outsourcing facility, 329
third-party logistics provider, repackager of dangerous drugs, 330
wholesale distributor of dangerous drugs, or terminal 331
distributor of dangerous drugs; 332

(16) A person who is authorized to practice as a physician 333
assistant under Chapter 4730. of the Revised Code; 334

(17) A person who has been issued a license to practice 335
medicine and surgery, osteopathic medicine and surgery, or 336
podiatric medicine and surgery under Chapter 4731. of the 337

Revised Code or has been issued a certificate to practice a	338
limited branch of medicine under that chapter;	339
(18) A person licensed as a psychologist, independent	340
school psychologist, or school psychologist under Chapter 4732.	341
of the Revised Code;	342
(19) A person registered to practice the profession of	343
engineering or surveying under Chapter 4733. of the Revised	344
Code;	345
(20) A person who has been issued a license to practice	346
chiropractic under Chapter 4734. of the Revised Code;	347
(21) A person licensed to act as a real estate broker or	348
real estate salesperson under Chapter 4735. of the Revised Code;	349
(22) A person registered as a registered environmental	350
health specialist under Chapter 4736. of the Revised Code;	351
(23) A person licensed to operate or maintain a junkyard	352
under Chapter 4737. of the Revised Code;	353
(24) A person who has been issued a motor vehicle salvage	354
dealer's license under Chapter 4738. of the Revised Code;	355
(25) A person who has been licensed to act as a steam	356
engineer under Chapter 4739. of the Revised Code;	357
(26) A person who has been issued a license or temporary	358
permit to practice veterinary medicine or any of its branches,	359
or who is registered as a graduate animal technician under	360
Chapter 4741. of the Revised Code;	361
(27) A person who has been issued a hearing aid dealer's	362
or fitter's license or trainee permit under Chapter 4747. of the	363
Revised Code;	364

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	365 366 367
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	368 369
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	370 371 372
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	373 374 375
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	376 377 378 379 380 381
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	382 383
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	384 385 386
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	387 388
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	389 390
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and	391 392

published rules.	393
(X) "Cocaine" means any of the following:	394
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	395 396
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	397 398 399 400
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	401 402 403 404 405 406
(Y) "L.S.D." means lysergic acid diethylamide.	407
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	408 409
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	410 411 412
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	413 414
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	415 416 417 418 419

(AA) "Marihuana" has the same meaning as in section 420
3719.01 of the Revised Code, except that it does not include 421
hashish. 422

(BB) An offense is "committed in the vicinity of a 423
juvenile" if the offender commits the offense within one hundred 424
feet of a juvenile or within the view of a juvenile, regardless 425
of whether the offender knows the age of the juvenile, whether 426
the offender knows the offense is being committed within one 427
hundred feet of or within view of the juvenile, or whether the 428
juvenile actually views the commission of the offense. 429

(CC) "Presumption for a prison term" or "presumption that 430
a prison term shall be imposed" means a presumption, as 431
described in division (D) of section 2929.13 of the Revised 432
Code, that a prison term is a necessary sanction for a felony in 433
order to comply with the purposes and principles of sentencing 434
under section 2929.11 of the Revised Code. 435

(DD) "Major drug offender" has the same meaning as in 436
section 2929.01 of the Revised Code. 437

(EE) "Minor drug possession offense" means either of the 438
following: 439

(1) A violation of section 2925.11 of the Revised Code as 440
it existed prior to July 1, 1996; 441

(2) A violation of section 2925.11 of the Revised Code as 442
it exists on and after July 1, 1996, that is a misdemeanor or a 443
felony of the fifth degree. 444

(FF) "Mandatory prison term" has the same meaning as in 445
section 2929.01 of the Revised Code. 446

(GG) "Adulterate" means to cause a drug to be adulterated 447

as described in section 3715.63 of the Revised Code.	448
(HH) "Public premises" means any hotel, restaurant,	449
tavern, store, arena, hall, or other place of public	450
accommodation, business, amusement, or resort.	451
(II) "Methamphetamine" means methamphetamine, any salt,	452
isomer, or salt of an isomer of methamphetamine, or any	453
compound, mixture, preparation, or substance containing	454
methamphetamine or any salt, isomer, or salt of an isomer of	455
methamphetamine.	456
(JJ) "Deception" has the same meaning as in section	457
2913.01 of the Revised Code.	458
(KK) "Fentanyl-related compound" means any of the	459
following:	460
(1) Fentanyl;	461
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	462
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	463
phenylethyl)-4-(N-propanilido) piperidine);	464
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	465
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	466
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	467
piperidinyl] -N-phenylpropanamide);	468
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	469
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	470
phenylpropanamide);	471
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	472
piperidyl]-N- phenylpropanamide);	473
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	474

(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	475
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	476
	477
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	478
	479
(10) Alfentanil;	480
(11) Carfentanil;	481
(12) Remifentanil;	482
(13) Sufentanil;	483
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	484
	485
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	486
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(a) A chemical scaffold consisting of both of the following:	493
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	495
	496
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	497
	498
	499
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone,	500
	501

amide, or ester; 502

(c) An alkyl or aryl substitution off the ring nitrogen of 503
the chemical scaffold; and 504

(d) The compound has not been approved for medical use by 505
the United States food and drug administration. 506

(LL) "First degree felony mandatory prison term" means one 507
of the definite prison terms prescribed in division (A) (1) (b) of 508
section 2929.14 of the Revised Code for a felony of the first 509
degree, except that if the violation for which sentence is being 510
imposed is committed on or after March 22, 2019, it means one of 511
the minimum prison terms prescribed in division (A) (1) (a) of 512
that section for a felony of the first degree. 513

(MM) "Second degree felony mandatory prison term" means 514
one of the definite prison terms prescribed in division (A) (2) 515
(b) of section 2929.14 of the Revised Code for a felony of the 516
second degree, except that if the violation for which sentence 517
is being imposed is committed on or after March 22, 2019, it 518
means one of the minimum prison terms prescribed in division (A) 519
(2) (a) of that section for a felony of the second degree. 520

(NN) "Maximum first degree felony mandatory prison term" 521
means the maximum definite prison term prescribed in division 522
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 523
the first degree, except that if the violation for which 524
sentence is being imposed is committed on or after March 22, 525
2019, it means the longest minimum prison term prescribed in 526
division (A) (1) (a) of that section for a felony of the first 527
degree. 528

(OO) "Maximum second degree felony mandatory prison term" 529
means the maximum definite prison term prescribed in division 530

(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 531
the second degree, except that if the violation for which 532
sentence is being imposed is committed on or after March 22, 533
2019, it means the longest minimum prison term prescribed in 534
division (A) (2) (a) of that section for a felony of the second 535
degree. 536

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 537
as in section 928.01 of the Revised Code. 538

(QQ) An offense is "committed in the vicinity of a 539
substance addiction services provider or a recovering addict" if 540
either of the following apply: 541

(1) The offender commits the offense on the premises of a 542
substance addiction services provider's facility, including a 543
facility licensed prior to June 29, 2019, under section 5119.391 544
of the Revised Code to provide methadone treatment or an opioid 545
treatment program licensed on or after that date under section 546
5119.37 of the Revised Code, or within five hundred feet of the 547
premises of a substance addiction services provider's facility 548
and the offender knows or should know that the offense is being 549
committed within the vicinity of the substance addiction 550
services provider's facility. 551

(2) The offender sells, offers to sell, delivers, or 552
distributes the controlled substance or controlled substance 553
analog to a person who is receiving treatment at the time of the 554
commission of the offense, or received treatment within thirty 555
days prior to the commission of the offense, from a substance 556
addiction services provider and the offender knows that the 557
person is receiving or received that treatment. 558

(RR) "Substance addiction services provider" means an 559

agency, association, corporation or other legal entity, 560
individual, or program that provides one or more of the 561
following at a facility: 562

(1) Either alcohol addiction services, or drug addiction 563
services, or both such services that are certified by the 564
director of mental health and addiction services under section 565
5119.36 of the Revised Code; 566

(2) Recovery supports that are related to either alcohol 567
addiction services, or drug addiction services, or both such 568
services and paid for with federal, state, or local funds 569
administered by the department of mental health and addiction 570
services or a board of alcohol, drug addiction, and mental 571
health services. 572

(SS) "Premises of a substance addiction services 573
provider's facility" means the parcel of real property on which 574
any substance addiction service provider's facility is situated. 575

(TT) "Alcohol and drug addiction services" has the same 576
meaning as in section 5119.01 of the Revised Code. 577

Sec. 3333.26. (A) Any citizen of this state who has 578
resided within the state for one year, who was in the active 579
service of the United States as a soldier, sailor, nurse, or 580
marine between April 6, 1917, and November 11, 1918, and who has 581
been honorably discharged from that service, shall be admitted 582
to any school, college, or university that receives state funds 583
in support thereof, without being required to pay any tuition or 584
matriculation fee, but is not relieved from the payment of 585
laboratory or similar fees. 586

(B) (1) As used in this section: 587

(a) "Volunteer firefighter" has the meaning as in division 588

(B) (1) of section 146.01 of the Revised Code. 589

(b) "Public service officer" means an Ohio firefighter, 590
volunteer firefighter, police officer, member of the state 591
highway patrol, employee designated to exercise the powers of 592
police officers pursuant to section 1545.13 of the Revised Code, 593
or other peace officer as defined by division (B) of section 594
2935.01 of the Revised Code, or a person holding any equivalent 595
position in another state. 596

(c) "Qualified former spouse" means the former spouse of a 597
public service officer, or of a member of the armed services of 598
the United States, who is the custodial parent of a minor child 599
of that marriage pursuant to an order allocating the parental 600
rights and responsibilities for care of the child issued 601
pursuant to section 3109.04 of the Revised Code. 602

(d) "Operation enduring freedom" means that period of 603
conflict which began October 7, 2001, and ends on a date 604
declared by the president of the United States or the congress. 605

(e) "Operation Iraqi freedom" means that period of 606
conflict which began March 20, 2003, and ends on a date declared 607
by the president of the United States or the congress. 608

(f) "Combat zone" means an area that the president of the 609
United States by executive order designates, for purposes of 26 610
U.S.C. 112, as an area in which armed forces of the United 611
States are or have engaged in combat. 612

(2) Subject to division (D) of this section, any resident 613
of this state who is under twenty-six years of age, or under 614
thirty years of age if the resident has been honorably 615
discharged from the armed services of the United States, who is 616
the child of a public service officer killed in the line of duty 617

or of a member of the armed services of the United States killed 618
in the line of duty during operation enduring freedom or 619
operation Iraqi freedom, and who is admitted to any state 620
university or college as defined in division (A)(1) of section 621
3345.12 of the Revised Code, community college, state community 622
college, university branch, or technical college shall not be 623
required to pay any tuition or any student fee for up to four 624
academic years of education, which shall be at the undergraduate 625
level, or a certificate program as prescribed under division (E) 626
of this section. 627

A child of a member of the armed services of the United 628
States killed in the line of duty during operation enduring 629
freedom or operation Iraqi freedom is eligible for a waiver of 630
tuition and student fees under this division only if the student 631
is not eligible for a war orphans and severely disabled 632
veterans' children scholarship authorized by Chapter 5910. of 633
the Revised Code. In any year in which the war orphans and 634
severely disabled veterans' children scholarship board reduces 635
the percentage of tuition covered by a war orphans and severely 636
disabled veterans' children scholarship below one hundred per 637
cent pursuant to division (A) of section 5910.04 of the Revised 638
Code, the waiver of tuition and student fees under this division 639
for a child of a member of the armed services of the United 640
States killed in the line of duty during operation enduring 641
freedom or operation Iraqi freedom shall be reduced by the same 642
percentage. 643

(3) Subject to division (D) of this section, any resident 644
of this state who is the spouse or qualified former spouse of a 645
public service officer killed in the line of duty, and who is 646
admitted to any state university or college as defined in 647
division (A)(1) of section 3345.12 of the Revised Code, 648

community college, state community college, university branch, 649
or technical college, shall not be required to pay any tuition 650
or any student fee for up to four academic years of education, 651
which shall be at the undergraduate level, or a certificate 652
program as prescribed under division (E) of this section. 653

(4) Any resident of this state who is the spouse or 654
qualified former spouse of a member of the armed services of the 655
United States killed in the line of duty while serving in a 656
combat zone after May 7, 1975, and who is admitted to any state 657
university or college as defined in division (A)(1) of section 658
3345.12 of the Revised Code, community college, state community 659
college, university branch, or technical college, shall not be 660
required to pay any tuition or any student fee for up to four 661
years of academic education, which shall be at the undergraduate 662
level, or a certificate program as prescribed under division (E) 663
of this section. In order to qualify under division (B)(4) of 664
this section, the spouse or qualified former spouse shall have 665
been a resident of this state at the time the member was killed 666
in the line of duty. 667

(C) Any institution that is not subject to division (B) of 668
this section and that holds a valid certificate of registration 669
issued under Chapter 3332. of the Revised Code, ~~a valid~~ 670
~~certificate issued under Chapter 4709. of the Revised Code,~~ or a 671
valid license issued under Chapter 4713. of the Revised Code, or 672
that is nonprofit and has a certificate of authorization issued 673
under section 1713.02 of the Revised Code, or that is a private 674
institution exempt from regulation under Chapter 3332. of the 675
Revised Code as prescribed in section 3333.046 of the Revised 676
Code, which reduces tuition and student fees of a student who is 677
eligible to attend an institution of higher education under the 678
provisions of division (B) of this section by an amount 679

indicated by the chancellor of higher education shall be 680
eligible to receive a grant in that amount from the chancellor. 681

Each institution that enrolls students under division (B) 682
of this section shall report to the chancellor, by the first day 683
of July of each year, the number of students who were so 684
enrolled and the average amount of all such tuition and student 685
fees waived during the preceding year. The chancellor shall 686
determine the average amount of all such tuition and student 687
fees waived during the preceding year. The average amount of the 688
tuition and student fees waived under division (B) of this 689
section during the preceding year shall be the amount of grants 690
that participating institutions shall receive under this 691
division during the current year, but no grant under this 692
division shall exceed the tuition and student fees due and 693
payable by the student prior to the reduction referred to in 694
this division. The grants shall be made for two certificate 695
programs or four years of undergraduate education of an eligible 696
student. 697

(D) Notwithstanding anything to the contrary in section 698
3333.31 of the Revised Code, for the purposes of divisions (B) 699
(2) and (3) of this section, the child, spouse, or qualified 700
former spouse of a public service officer or a member of the 701
armed services of the United States killed in the line of duty 702
shall be considered a resident of this state for the purposes of 703
this section if the child, spouse, or qualified former spouse 704
was a resident of this state at the time that the public service 705
officer or member of the armed services was killed. 706

However, no child, spouse, or qualified former spouse of a 707
public service officer or a member of the armed services of the 708
United States killed in the line of duty shall be required to be 709

a resident of this state at the time the public service officer 710
or member of the armed services of the United States was killed 711
in order to receive benefits under divisions (B) (2) and (3) of 712
this section. 713

(E) A child, spouse, or qualified former spouse of a 714
public service officer or a member of the armed services killed 715
in the line of duty shall receive benefits for a certificate 716
program in accordance with division (B) or (C) of this section, 717
except that a particular child, spouse, or qualified former 718
spouse shall not receive benefits for: 719

(1) More than two certificate programs; 720

(2) A total number of academic credits or instructional 721
hours equivalent to more than four academic years; 722

(3) For any particular academic year, an amount that is 723
greater than eight thousand dollars. 724

Sec. 4709.01. As used in this chapter: 725

(A) (1) Except as provided in division (A) (2) of this 726
section, "the practice of barbering" means any one or more of 727
the following when performed upon the head, neck, or face for 728
cosmetic purposes and when performed upon the public for pay, 729
free, or otherwise: 730

(a) Shaving the face, shaving around the vicinity of the 731
ears and neckline, or trimming facial hair; 732

(b) Cutting or styling hair; 733

(c) Facials, skin care, or scalp massages; 734

(d) Shampooing, bleaching, coloring, straightening, or 735
permanent waving hair; 736

(e) Cutting, fitting, or forming head caps for wigs or hair pieces. 737
738

(2) "The practice of barbering" does not include the practice of natural hair styling. 739
740

~~(B) Sanitary means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.~~ 741
742
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~~(C) "Barber" means any person an individual who engages in or attempts to engage in the practice of barbering.~~ 744
745

~~(D) Barber school means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.~~ 746
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~~(E) (C) "Barber teacher instructor" means any person who engages in or attempts to engage in the teaching of an individual authorized to teach the theory and practice of barbering.~~ 749
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~~(F) (D) "Assistant barber teacher instructor" means any person who assists an individual authorized to assist a barber teacher instructor in the teaching of the theory and practice of barbering.~~ 753
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~~(G) (E) "Barber pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.~~ 757
758
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(F) "Barber shop" means any premises, building, or part of a building in which an individual engages in the practice of barbering. 761
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(G) "Biennial licensing period" means the two-year period 764

beginning on the first day of September of an even-numbered year 765
and ending on the last day of August of the next even-numbered 766
year. 767

(H) ~~The "Cosmetic therapy," "practice of natural hair~~ 768
~~styling means work done for a fee or other form of compensation,~~ 769
~~by any person, utilizing techniques performed by hand that~~ 770
~~result in tension on hair roots such as twisting, wrapping,~~ 771
~~weaving, extending, locking, or braiding of the hair, and which~~ 772
~~work does not include the application of dyes, reactive~~ 773
~~chemicals, or other preparations to alter the color or to~~ 774
~~straighten, curl, or alter the structure of the hair," and~~ 775
"school" have the same meanings as in section 4713.01 of the 776
Revised Code. 777

(I) ~~Braiding means intertwining the hair in a systematic~~ 778
~~motion to create patterns in a three-dimensional form, inverting~~ 779
~~the hair against the scalp along part of a straight or curved~~ 780
~~row of intertwined hair, or twisting the hair in a systematic~~ 781
~~motion, and includes extending the hair with natural or~~ 782
~~synthetic hair fibers."Independent contractor" means an~~ 783
individual who is not an employee of a barber shop but practices 784
barbering within a barber shop. 785

(J) "Infection control" means the practice of preventing 786
the spread of infections and disease by ensuring that a barber 787
shop, including all equipment and implements in the barber shop, 788
are maintained by doing all of the following, as applicable: 789

(1) Removing surface or visible dirt or debris by cleaning 790
with soap, detergent, or a chemical cleaner, followed by rinsing 791
with clean water; 792

(2) Using a chemical disinfectant to kill or denature 793

<u>bacteria, fungi, and viruses;</u>	794
<u>(3) Applying heat or using other procedures to eliminate,</u>	795
<u>remove, or kill all forms of microbial life present on a surface</u>	796
<u>or contained in a fluid.</u>	797
<u>Sec. 4709.02. Except as otherwise provided in this</u>	798
<u>chapter, no individual shall do any of the following:</u>	799
<u>(A) Engage in the practice of barbering without one of the</u>	800
<u>following:</u>	801
<u>(1) A current, valid barber license issued under section</u>	802
<u>4709.07 or 4709.08 of the Revised Code;</u>	803
<u>(2) A current, valid temporary pre-examination work permit</u>	804
<u>issued under section 4709.071 of the Revised Code.</u>	805
<u>(B) Operate a barber shop without a current, valid barber</u>	806
<u>shop license issued under section 4709.09 of the Revised Code;</u>	807
<u>(C) Except as provided in section 4713.45 of the Revised</u>	808
<u>Code, teach or assist in teaching the theory and practice of</u>	809
<u>barbering without a current, valid barber instructor or</u>	810
<u>assistant barber instructor license issued under section</u>	811
<u>4709.072 of the Revised Code;</u>	812
<u>(D) Use or display a barber pole for the purpose of</u>	813
<u>advertising or offering barber services without a current, valid</u>	814
<u>barber shop license issued under section 4709.09 of the Revised</u>	815
<u>Code;</u>	816
<u>(E) Use fraud or deceit in obtaining or applying for a</u>	817
<u>license or permit issued pursuant to this chapter;</u>	818
<u>(F) Employ an individual to perform the practice of</u>	819
<u>barbering unless the individual holds one of the following:</u>	820

<u>(1) A current, valid barber license issued under section</u>	821
<u>4709.07 or 4709.08 of the Revised Code;</u>	822
<u>(2) A current, valid temporary pre-examination work permit</u>	823
<u>issued under section 4709.071 of the Revised Code.</u>	824
<u>(G) Practice barbering at a barber shop as an independent</u>	825
<u>contractor without a current, valid independent contractor</u>	826
<u>license issued under section 4709.09 of the Revised Code;</u>	827
<u>(H) Provide any of the following at a barber shop for pay,</u>	828
<u>free, or otherwise:</u>	829
<u>(1) Massage therapy, unless the individual has a current,</u>	830
<u>valid license issued by the state medical board under section</u>	831
<u>4731.15 of the Revised Code;</u>	832
<u>(2) Any other professional service, unless the individual</u>	833
<u>has a current, valid license or certificate issued by the</u>	834
<u>professional regulatory board of this state that regulates the</u>	835
<u>profession;</u>	836
<u>(3) Cosmetic therapy, unless the individual is authorized</u>	837
<u>by rules adopted under section 4709.05 of the Revised Code.</u>	838
<u>(I) Practice barbering in a location other than a barber</u>	839
<u>shop unless exempted under section 4709.031 or 4713.351 of the</u>	840
<u>Revised Code;</u>	841
<u>(J) Aid or abet any individual or entity in any of the</u>	842
<u>following:</u>	843
<u>(1) Violating this chapter or a rule adopted under it;</u>	844
<u>(2) Obtaining a license or permit fraudulently;</u>	845
<u>(3) Falsely pretending to hold a current, valid license or</u>	846
<u>permit.</u>	847

Sec. 4709.03. (A) The following individuals are exempt 848
from this chapter, except section 4709.091 of the Revised Code, 849
as applicable: 850

(1) All individuals licensed by this state to practice 851
medicine, surgery, dentistry, or any branch of medicine, 852
surgery, or dentistry, while acting within the scope of practice 853
for the license, permit, or certificate held; 854

(2) Commissioned medical or surgical officers of the 855
United States army, navy, air force, or marine hospital service, 856
and attendants attached to the same, while acting within the 857
scope of practice for the license, permit, or certificate held; 858

(3) Nurses licensed under Chapter 4723. of the Revised 859
Code, while acting within the scope of practice for the license 860
or certificate held; 861

(4) Cosmetologists and hair designers licensed under 862
Chapter 4713. of the Revised Code, while acting within the scope 863
of practice for the license or permit held; 864

(5) Funeral directors, embalmers, and apprentices licensed 865
or certified under Chapter 4717. of the Revised Code, while 866
acting within the scope of practice for the license, permit, or 867
certificate held; 868

(6) Volunteers of hospitals and homes as defined in 869
section 3721.01 of the Revised Code, who render service to 870
registered patients and inpatients who reside in such hospitals 871
or homes; 872

(7) Nurse aides and other employees of hospitals and homes 873
as defined in section 3721.01 of the Revised Code, who engage in 874
the practice of barbering on registered patients only as part of 875
general patient care services and who do not charge patients 876

directly on a fee-for-service basis; 877

(8) Massage therapists who hold current, valid licenses to 878
practice massage therapy issued by the state medical board under 879
section 4731.15 of the Revised Code, while acting within the 880
scope of practice for the license held; 881

(9) Inmates who provide services related to the practice 882
of barbering to other inmates, except when those services are 883
provided in a licensed barber shop or school within a state 884
correctional institution. 885

(B) A volunteer described in division (A) (6) of this 886
section shall not use or work with any chemical products such as 887
permanent wave, hair dye, or chemical hair relaxer, which 888
without proper training would pose a health or safety problem to 889
a patient. 890

(C) The director of rehabilitation and correction shall 891
oversee the services described in division (A) (9) of this 892
section with respect to infection control and adopt rules 893
governing those types of services provided by inmates. 894

Sec. 4709.031. Nothing in this chapter prohibits an 895
individual holding a license issued under this chapter from 896
practicing barbering on a dead human body at a funeral home or 897
embalming facility licensed under section 4717.06 of the Revised 898
Code. 899

Sec. 4709.05. (A) In addition to any other duty imposed on 900
the state cosmetology and barber board under this chapter or 901
Chapter 4713. of the Revised Code, the board shall do all of the 902
following: 903

(1) Regulate the practice of barbering in this state; 904

<u>(2) Conduct or have conducted the examination for</u>	905
<u>applicants to practice as licensed barbers;</u>	906
<u>(3) Prescribe and make available application forms to be</u>	907
<u>used by individuals seeking admission to an examination</u>	908
<u>conducted under section 4709.07 of the Revised Code or a license</u>	909
<u>or permit issued under this chapter;</u>	910
<u>(4) Prescribe and make available application forms to be</u>	911
<u>used by individuals seeking renewal of a license or permit</u>	912
<u>issued under this chapter;</u>	913
<u>(5) Furnish a copy of the infection control standards</u>	914
<u>adopted pursuant to division (A) (8) (a) of this section to both</u>	915
<u>of the following:</u>	916
<u>(a) Each individual or person to whom the board issues a</u>	917
<u>barber license or license to operate a barber shop;</u>	918
<u>(b) Each individual providing cosmetic therapy, massage</u>	919
<u>therapy, or other professional service in a barber shop under</u>	920
<u>section 4709.091 of the Revised Code.</u>	921
<u>(6) Supply a copy of the poster created pursuant to</u>	922
<u>division (B) of section 5502.63 of the Revised Code to each</u>	923
<u>person authorized to operate a barber shop under this chapter;</u>	924
<u>(7) Comply with sections 4713.641 and 4713.66 of the</u>	925
<u>Revised Code regarding investigations and inspections;</u>	926
<u>(8) Adopt rules, in accordance with Chapter 119. of the</u>	927
<u>Revised Code, to administer and enforce this chapter and that</u>	928
<u>cover all of the following:</u>	929
<u>(a) Infection control standards for the practice of</u>	930
<u>barbering and the operation of barber shops;</u>	931

(b) The content of the examination required of an applicant for a barber license under section 4709.07 of the Revised Code and the passing score required for the examination; 932
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(c) Conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4709.071 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; 935
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(d) Requirements for the licensure of barber instructors and assistant barber instructors that are in addition to the requirements specified in section 4709.072 of the Revised Code; 939
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(e) Conditions under which the board will take into account, under section 4709.073 of the Revised Code, instruction an applicant for a license under section 4709.07 or 4709.072 of the Revised Code received more than five years before the date of application for the license; 942
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(f) Conditions an applicant must satisfy for the board to issue the applicant a license under section 4709.08 of the Revised Code without the applicant taking an examination conducted under section 4709.07 of the Revised Code; 947
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(g) Conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4709.09 of the Revised Code and the fee for the issuance and renewal of the license; 951
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(h) Specify which professions regulated by a professional regulatory board of this state may be practiced in a barber shop under section 4709.091 of the Revised Code, including whether cosmetic therapy may be practiced in a barber shop; 955
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(i) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a 959
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<u>barber shop pursuant to section 4709.091 of the Revised Code;</u>	961
<u>(j) If the board, under section 4709.111 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:</u>	962
<u>(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;</u>	963
<u>(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored.</u>	964
<u>(k) Any other area the board determines appropriate to administer or enforce this chapter.</u>	965
<u>(B) The infection control standards established under division (A) (8) (a) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread.</u>	966
<u>(C) The content of the examination specified in rules adopted under division (A) (8) (b) of this section shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering.</u>	967
<u>(D) The rules adopted under division (A) (8) (c) of this section may establish additional conditions for a temporary pre-examination work permit under section 4709.071 of the Revised Code that are applicable to individuals who are licensed to practice barbering in another state or country.</u>	968
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(E) The conditions specified in rules adopted under 989
division (A) (8) (f) of this section may include that an applicant 990
is applying for a barber license for which the board determines 991
an examination is unnecessary. 992

(F) The rules adopted under division (A) (8) (h) of this 993
section shall not include a profession if practice of the 994
profession in a barber shop is a violation of a statute or rule 995
governing the profession. 996

(G) If the board adopts a procedure for classifying 997
licenses inactive, the continuing education specified under 998
division (A) (8) (j) (ii) of this section shall be sufficient to 999
ensure the minimum competency in the use or administration of a 1000
new procedure or product required by a licensee necessary to 1001
protect public health and safety. The requirement shall not 1002
exceed the cumulative number of hours of continuing education 1003
that the individual would have been required to complete had the 1004
individual retained an active license. 1005

Sec. 4709.051. (A) The state cosmetology and barber board 1006
may adopt rules in accordance with section 4709.05 of the 1007
Revised Code to establish a continuing education requirement, 1008
not to exceed eight hours in a biennial licensing period, as a 1009
condition of renewal for a barber license, barber instructor 1010
license, or assistant barber instructor license. 1011

(B) If the board establishes a continuing education 1012
requirement under division (A) of this section, an individual 1013
holding a barber license, barber instructor license, or 1014
assistant barber instructor license shall satisfy the 1015
requirement by completing a continuing education program 1016
approved in accordance with division (B) of section 4713.62 of 1017
the Revised Code. 1018

These hours may include training in identifying and 1019
addressing the crime of trafficking in persons as described in 1020
section 2905.32 of the Revised Code. At least two of the eight 1021
hours of the continuing education requirement must be achieved 1022
in courses concerning safety and infection control, and at least 1023
one hour of the eight hours of the continuing education 1024
requirement must be achieved in courses concerning law and rule 1025
updates. 1026

Sec. 4709.07. (A) ~~Each person individual who desires to~~ 1027
~~obtain an initial license to practice barbering shall apply to~~ 1028
~~the state cosmetology and barber board, on forms provided by the~~ 1029
~~board. The application form shall include the name of the person~~ 1030
~~applying for the license and evidence that the applicant meets~~ 1031
~~all of the requirements of division (B) of this section. The~~ 1032
~~application shall be accompanied by the examination application~~ 1033
~~fee.~~ 1034

~~(B) In order applies to take the required barber~~ 1035
~~examination and to qualify for licensure as a barber, an~~ 1036
~~applicant must shall demonstrate that the applicant individual~~ 1037
~~meets all of the following:~~ 1038

(1) Is at least ~~eighteen~~ sixteen years of age; 1039

(2) Has an eighth grade education or an equivalent 1040
education as determined by the state board of education in the 1041
state where the applicant resides; 1042

(3) Has submitted a written application on a form 1043
furnished by the board that contains all of the following: 1044

(a) The name of the individual and any other identifying 1045
information required by the board; 1046

(b) A photocopy of the individual's current driver's 1047

license or other proof of legal residence; 1048

(c) An oath verifying that the information in the 1049
application is true. 1050

(4) Notwithstanding section 4798.05 of the Revised Code, 1051
submits to having a photograph and biometric fingerprint scan 1052
taken by the board; 1053

(5) Has graduated with at least one thousand eight hundred 1054
hours of board-approved training from a ~~board-approved barber-~~ 1055
school or has graduated with at least one thousand hours of 1056
board-approved training from a ~~board-approved barber~~ school in 1057
~~this state~~ and has a current cosmetology or hair designer 1058
license issued pursuant to Chapter 4713. of the Revised Code. ~~No~~ 1059
~~hours of instruction earned by an applicant five or more years~~ 1060
~~prior to the examination apply to the hours of study required by~~ 1061
~~this division.;~~ 1062

(6) Has paid the application fee. 1063

(B) The board shall issue a barber license to an applicant 1064
who passes the examination and pays the license fee. 1065

~~(C) Any applicant who meets all of the requirements of~~ 1066
~~divisions (A) and (B) of this section may take the barber-~~ 1067
~~examination at the time and place specified by the board. If the~~ 1068
~~an applicant fails to attain at least a seventy five per cent-~~ 1069
~~pass rate on each any part of the examination, the applicant is~~ 1070
ineligible for licensure; however, the applicant may reapply for 1071
examination ~~within ninety days after the date of the release of~~ 1072
~~the examination scores by paying and pay~~ the required 1073
reexamination fee. An applicant is only required to take that 1074
part or parts of the examination ~~on which~~ that the applicant did 1075
not ~~receive a score of seventy five per cent or higher~~ pass. If- 1076

~~the applicant fails to reapply for examination within ninety-~~ 1077
~~days or fails the second examination, in order to reapply for~~ 1078
~~examination for licensure the applicant shall complete an~~ 1079
~~additional course of study of not less than two hundred hours,~~ 1080
~~in a board-approved barber school. The board shall provide to an~~ 1081
applicant, upon request, a report which explains the reasons for 1082
the applicant's failure to pass the examination. 1083

~~(D) The board shall issue a license to practice barbering-~~ 1084
~~to any applicant who, to the satisfaction of the board, meets-~~ 1085
~~the requirements of divisions (A) and (B) of this section, who~~ 1086
~~passes the required examination, and pays the initial licensure~~ 1087
~~fee. Every licensed barber shall display~~ 1088
~~certificate of licensure in a conspicuous place adjacent to or~~ 1089
~~near the licensed barber's work chair~~ 1090
board-issued, wallet-sized 1091
license or electronically generated license certification and a 1092
current government-issued photo identification that can be 1093
produced on inspection or request.

Sec. 4709.071. (A) The state cosmetology and barber board 1094
shall issue a temporary pre-examination work permit to practice 1095
barbering to an individual who applies for and is eligible to 1096
take an examination conducted under section 4709.07 of the 1097
Revised Code, if the individual satisfies all of the following 1098
conditions: 1099

(1) The individual has not previously failed an 1100
examination conducted under section 4709.07 of the Revised Code. 1101

(2) The individual pays to the board the applicable fee. 1102

(3) The individual satisfies all other conditions 1103
established by rules adopted under section 4709.05 of the 1104
Revised Code. 1105

(B) An individual issued a temporary pre-examination work permit under this section may practice barbering until the date the individual is scheduled to take an examination under section 4709.07 of the Revised Code. The individual shall practice under the supervision of an individual holding a current, valid barber license. 1106
1107
1108
1109
1110
1111

(C) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4709.05 of the Revised Code. 1112
1113
1114

Sec. 4709.072. (A) The state cosmetology and barber board shall issue a barber instructor license to an applicant who meets all of the following requirements: 1115
1116
1117

(1) Is at least eighteen years of age; 1118

(2) Holds a current, valid barber license issued under section 4709.07 of the Revised Code and meets either of the following requirements: 1119
1120
1121

(a) Has at least eighteen months of work experience in a licensed barber shop; 1122
1123

(b) Has been employed as an assistant barber instructor under the supervision of a licensed barber for at least one year. 1124
1125
1126

(3) Passes the required examination; 1127

(4) Pays the applicable license fee; 1128

(5) Meets any additional requirements specified in rules adopted by the board under section 4709.05 of the Revised Code. 1129
1130

(B) The board shall issue an assistant barber instructor license to an applicant who holds a current, valid barber 1131
1132

license issued under section 4709.07 of the Revised Code and 1133
meets the requirements listed in divisions (A) (1), (4), and (5) 1134
of this section. 1135

(C) Every holder of a barber instructor license or 1136
assistant barber instructor license shall maintain a board- 1137
issued, wallet-sized license or electronically generated license 1138
certification and a current government-issued photo 1139
identification that can be produced upon inspection or request. 1140

Sec. 4709.073. When determining the total hours of 1141
instruction received by an applicant under section 4709.07 or 1142
4709.072 of the Revised Code, the state cosmetology and barber 1143
board shall not take into account more than ten hours of 1144
instruction per day. The board shall take into account 1145
instruction received more than five years before the date of 1146
application for the license in accordance with rules adopted 1147
under section 4709.05 of the Revised Code. 1148

Sec. 4709.08. (A) Any ~~person~~ individual who holds a 1149
current license or registration to practice as a barber or teach 1150
the theory and practice of barbering in any other state or 1151
district of the United States or country whose requirements for 1152
licensure or registration of barbers, barber instructors, or 1153
assistant barber instructors are substantially equivalent to the 1154
requirements of this chapter and rules adopted under it ~~and that~~ 1155
~~extends similar reciprocity to persons licensed as barbers in~~ 1156
~~this state~~ may apply to the state cosmetology and barber board 1157
for a barber, barber instructor, or assistant barber instructor 1158
license. 1159

(B) The board shall, ~~without examination, unless the board~~ 1160
determines to require an examination, issue a license to 1161
practice as a licensed barber in this state if the person an 1162

applicant who meets all of the following requirements of this 1163
section, is: 1164

(1) Is at least eighteen years of age, and pays; 1165

(2) In the case of an applicant for a barber license, 1166
passes an examination conducted under section 4709.07 of the 1167
Revised Code, unless the applicant satisfies conditions 1168
specified in rules adopted under section 4709.05 of the Revised 1169
Code for the board to issue the applicant a license without 1170
taking the examination; 1171

(3) Pays the required fees. The board may waive any of the 1172
requirements of this section. 1173

Sec. 4709.09. (A) Each person applicant who desires to 1174
obtain a barber shop license shall apply to the state 1175
cosmetology and barber board, on forms provided by the board. 1176
The board shall issue a barber shop license to a person an 1177
applicant if the board determines that the person meets all of 1178
the requirements of division (B) of this section and pays 1179
applicant has paid the required license and inspection fees. 1180

~~(B) In order for a person to qualify for a license to~~ 1181
~~operate a barber shop, fee and ensured that~~ the barber shop shall 1182
meet all of the following requirements: 1183

(1) Be in the charge and under the immediate supervision 1184
of a licensed barber; 1185

(2) Be equipped to provide running hot and cold water and 1186
proper drainage; 1187

(3) ~~Sanitize and maintain in a sanitary condition, all~~ 1188
~~instruments and supplies;~~ 1189

~~(4) Keep towels and linens clean and sanitary and in a~~ 1190

~~dry, dust proof container;~~ 1191

(5) Display Be in compliance with the infection control 1192
standards adopted by the board in rule; 1193

(4) Pass an initial inspection as described in division 1194
(A) (10) of section 4713.07 of the Revised Code. 1195

(B) An applicant issued a barber shop license under 1196
division (A) of this section shall display the shop license and 1197
a copy of the board's sanitary rules-infection control standards 1198
provided by the board under division (A) (5) of section 4709.05 1199
of the Revised Code in a public and conspicuous place in the 1200
working areabarber shop. 1201

(C) (1) Any licensed barber who leases space in a licensed 1202
barber shop and engages in the practice of barbering independent 1203
and free from supervision of the owner or manager of the barber 1204
shop is considered to be engaged in the operation of a separate- 1205
and distinct barber shop and shall obtain a-an independent 1206
contractor license to operate a barber shop pursuant to this- 1207
section by submitting the form provided by the board, paying the 1208
applicable fee, and satisfying the conditions for the license 1209
established in rules adopted under section 4709.05 of the 1210
Revised Code. 1211

(2) Every holder of an independent contractor license 1212
shall maintain the board-issued, wallet-sized license or 1213
electronically generated license certification and a current 1214
government-issued photo identification that can be produced upon 1215
inspection or request. 1216

(D) A shop license is not transferable from one owner to 1217
another and if an owner or operator of a barber shop permanently- 1218
ceases offering barber services at the shop, the owner or 1219

~~operator shall return the barber shop license to the board~~ 1220
~~within ten days of the cessation of services or from one location~~ 1221
~~to another.~~ 1222

~~(E) (1) Manicurists licensed under Chapter 4713. of the~~ 1223
~~Revised Code may practice manicuring in a barber shop.~~ 1224

~~(2) (E) Tanning facilities issued a permit under section~~ 1225
~~4713.48 of the Revised Code may be operated in a barber shop.~~ 1226

~~(F) Clothing and related accessories may be sold at retail~~ 1227
~~in a barber shop so long as these sales maintain the integrity~~ 1228
~~of the facility as a barber shop.~~ 1229

Sec. 4709.091. (A) An individual holding a current, valid 1230
license issued under section 4731.15 of the Revised Code to 1231
provide massage therapy may provide massage therapy in a barber 1232
shop. An individual holding a current, valid license or 1233
certificate issued by a professional regulatory board of this 1234
state may practice the individual's profession in a barber shop 1235
if the individual's profession is authorized by rules adopted 1236
under section 4709.05 of the Revised Code to practice in a 1237
barber shop. An individual may provide cosmetic therapy in a 1238
barber shop if authorized by rules adopted under section 4709.05 1239
of the Revised Code to practice in a barber shop. 1240

(B) An individual providing cosmetic therapy, massage 1241
therapy, or other professional service in a barber shop pursuant 1242
to this section shall satisfy the standards established by rules 1243
adopted under section 4709.05 of the Revised Code. 1244

(C) An individual who provides massage therapy or other 1245
professional services in a barber shop under this section shall 1246
maintain the individual's professional license or certificate or 1247
electronically generated license certification or registration 1248

and a state of Ohio issued photo identification that can be 1249
produced on inspection or request. 1250

Sec. 4709.10. An applicant for a license to operate a 1251
school shall submit an application to the state cosmetology and 1252
barber board and satisfy the requirements under section 4713.44 1253
of the Revised Code to be issued the license. If the school for 1254
which the applicant is applying for a license under that section 1255
offers instruction in the theory and practice of barbering, the 1256
applicant shall do all of the following to be issued the 1257
license: 1258

(A) Provide sufficient licensed teaching personnel to meet 1259
the minimum student-instructor ratio established by the board in 1260
rules adopted under section 4713.08 of the Revised Code; 1261

(B) Establish minimum standards for acceptance of student 1262
applicants for admission to the school to learn the theory and 1263
practice of barbering; 1264

(C) Employ not more than two licensed assistant barber 1265
instructors for each licensed barber instructor employed or 1266
fewer than two licensed instructors or one licensed instructor 1267
and one licensed assistant instructor at each facility; 1268

(D) Pass an initial inspection as described in division 1269
(A) (10) of section 4713.07 of the Revised Code. 1270

Sec. 4709.11. Every license issued pursuant to this 1271
chapter expires on the thirty-first day of August of each even- 1272
numbered year. Each licensee desiring to do so shall, on or 1273
before the first day of September of each even-numbered year, 1274
renew the licensee's license pursuant to the standard renewal 1275
procedure of Chapter 4745. of the Revised Code. ~~Any holder of an~~ 1276
~~expired license shall restore the holder's license before~~ 1277

~~continuing the practice of barbering or the activity for which~~ 1278
~~the holder is licensed under this chapter and pay the~~ 1279
~~appropriate restoration fee. If the person fails to restore the~~ 1280
~~person's license within six years, the person shall pay any~~ 1281
~~required restoration fee and take any examination required for~~ 1282
~~the license under this chapter~~ 1283

If the state cosmetology and barber board adopts rules 1284
under section 4709.051 of the Revised Code to establish a 1285
continuing education requirement as a condition of renewal for a 1286
barber license, barber instructor license, or assistant barber 1287
instructor license, the board shall inform each licensee of the 1288
continuing education requirement that applies to the next 1289
biennial licensing period by including that information in the 1290
renewal notification the board sends the licensee. The board 1291
shall state in the notification that the licensee must complete 1292
the continuing education requirement by the fifteenth day of 1293
August of the next even-numbered year. Hours completed in excess 1294
of the continuing education requirement may not be applied to 1295
the next biennial licensing period. 1296

The board may waive or extend the period for a licensee to 1297
complete any applicable continuing education requirement in 1298
accordance with division (B) of section 4713.60 of the Revised 1299
Code. Every license that has not been renewed in the timeframe 1300
specified in this section and for which the continuing education 1301
requirement has not been waived or extended shall be considered 1302
expired. 1303

Sec. 4709.111. (A) If the state cosmetology and barber 1304
board adopts a continuing education requirement under section 1305
4709.051 of the Revised Code, it may develop a procedure by 1306
which an individual who holds a barber license, barber 1307

instructor license, or assistant barber instructor license and 1308
who is not currently engaged in the practice of barbering or 1309
teaching or assisting in teaching of the theory and practice of 1310
barbering, but who desires to be so engaged in the future, may 1311
apply to the board to have the individual's license classified 1312
inactive. If the board develops this procedure, an individual 1313
seeking to have the individual's license classified inactive 1314
shall apply to the board on a form provided by the board and pay 1315
the fee established by rules adopted under section 4709.05 of 1316
the Revised Code. 1317

(B) The board shall not restore an inactive license until 1318
the individual holding the license submits proof satisfactory to 1319
the board that the individual has completed the continuing 1320
education requirement established by the board in rules adopted 1321
under section 4709.05 of the Revised Code. 1322

Sec. 4709.112. A barber license, barber instructor 1323
license, or assistant barber instructor license that has not 1324
been renewed for any reason other than because it has been 1325
revoked, suspended, classified inactive, or because the license 1326
holder has been given a waiver or extension under section 1327
4709.11 of the Revised Code, is expired. An expired license may 1328
be restored if the individual who held the license satisfies 1329
both of the following requirements: 1330

(A) Pays to the state cosmetology and barber board the 1331
restoration fee established under section 4709.12 of the Revised 1332
Code; 1333

(B) Completes the continuing education requirement for 1334
renewal of a license established by the board in rules adopted 1335
under section 4709.051 of the Revised Code. 1336

Sec. 4709.12. (A) The state cosmetology and barber board	1337
shall charge and collect the following <u>nonrefundable</u> fees:	1338
(1) For the application to take the barber examination,	1339
<u>not more than ninety</u> dollars;	1340
(2) For an application to retake any <u>one</u> part of the	1341
barber examination, <u>not more than</u> forty-five dollars;	1342
(3) <u>For an application to take the barber examination by</u>	1343
<u>an applicant who has previously applied to take but failed to</u>	1344
<u>appear for the examination, not more than one hundred dollars;</u>	1345
(4) <u>For the initial issuance of a license to practice as a</u>	1346
barber, <u>not more than</u> thirty dollars;	1347
(4) -(5) <u>For the biennial renewal of the license to</u>	1348
practice as a barber, <u>not more than</u> one hundred ten dollars;	1349
(5) -(6) <u>For the restoration of an expired barber license,</u>	1350
<u>not more than</u> one hundred <u>fifty</u> dollars, and <u>not more than</u>	1351
seventy-five dollars for each lapsed year, provided that the	1352
total fee shall not exceed six hundred ninety dollars;	1353
(6) -(7) <u>For the issuance of a duplicate barber or shop</u>	1354
license, <u>not more than</u> forty-five dollars;	1355
(7) -(8) <u>For the inspection issuance of a new barber shop,</u>	1356
<u>license or a change of ownership, or reopening of premises or</u>	1357
<u>facilities formerly operated as a barber shop, and issuance of a</u>	1358
<u>shop license, not more than</u> one hundred ten dollars;	1359
(8) -(9) <u>For the biennial renewal of a barber shop license,</u>	1360
<u>not more than</u> seventy-five dollars;	1361
(9) -(10) <u>For the restoration of a barber shop license, <u>not</u></u>	1362
<u>more than</u> one hundred ten dollars;	1363

(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	1364
	1365
	1366
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	1367
	1368
	1369
(12) For the restoration of a barber school license, one thousand dollars;	1370
	1371
(13) For the issuance of a student registration, forty dollars;	1372
	1373
(14) <u>(11) For the examination and issuance of a biennial teacher barber instructor license, not more than one hundred eighty-five dollars;</u>	1374
	1375
	1376
(15) <u>(12) For the issuance of a biennial assistant barber instructor license, not more than one hundred fifty dollars;</u>	1377
	1378
<u>(13) For the renewal of a biennial teacher barber instructor or assistant barber instructor license, not more than one hundred fifty dollars;</u>	1379
	1380
	1381
(16) <u>(14) For the restoration of an expired teacher barber instructor or assistant barber instructor license, not more than two hundred twenty-five dollars, and not more than sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;</u>	1382
	1383
	1384
	1385
	1386
(17) <u>(15) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, not more than three hundred dollars;</u>	1387
	1388
	1389
(18) <u>(16) For providing licensure information concerning an applicant, upon written request of the applicantthe</u>	1390
	1391

preparation and mailing of a licensee's records to another state 1392
for a reciprocal license, not more than forty dollars; 1393

(17) For a temporary pre-examination work permit under 1394
section 4709.071 of the Revised Code, not more than fifteen 1395
dollars. 1396

(B) The board shall adjust the fees biennially, by rule, 1397
within the limits established by division (A) of this section, 1398
to provide sufficient revenues to meet its expenses. 1399

(C) The board, subject to the approval of the controlling 1400
board, may establish fees in excess of the amounts provided in 1401
this section, provided that the fees do not exceed the amounts 1402
permitted by this section by more than fifty per cent. 1403

~~(C) In addition to any other fee charged and collected~~ 1404
~~under this section, the board shall ask each person renewing a~~ 1405
~~license to practice as a barber whether the person wishes to~~ 1406
~~make a two dollar voluntary contribution to the Ed Jeffers~~ 1407
~~barber museum. The board shall transmit any contributions to the~~ 1408
~~treasurer of state for deposit into the occupational licensing~~ 1409
~~fund.~~ 1410

(D) At the request of a person who is temporarily unable 1411
to pay a fee imposed under division (A) of this section, or on 1412
its own motion, the board may extend the date payment is due by 1413
up to ninety days. If the fee remains unpaid after the date 1414
payment is due, the amount of the fee shall be certified to the 1415
attorney general for collection in the form and manner 1416
prescribed by the attorney general. The attorney general may 1417
assess the collection cost to the amount certified in such a 1418
manner and amount as prescribed by the attorney general. 1419

Sec. 4709.13. (A) The state cosmetology and barber board 1420

<u>may take disciplinary action under division (B) of this section</u>	1421
<u>for any of the following:</u>	1422
<u>(1) Willful, false, and fraudulent or deceptive</u>	1423
<u>advertising;</u>	1424
<u>(2) Habitual drunkenness or addiction to any habit-forming</u>	1425
<u>drug;</u>	1426
<u>(3) Failure to comply with the safety, infection control,</u>	1427
<u>and licensing requirements of this chapter or rules adopted</u>	1428
<u>under it;</u>	1429
<u>(4) Continued practice by an individual knowingly having</u>	1430
<u>an infectious or contagious disease;</u>	1431
<u>(5) Falsification of any record or application required to</u>	1432
<u>be filed with the board;</u>	1433
<u>(6) Failure to pay a fine or abide by a suspension order</u>	1434
<u>issued by the board;</u>	1435
<u>(7) Failure to cooperate with an investigation or</u>	1436
<u>inspection;</u>	1437
<u>(8) Failure to respond to a subpoena;</u>	1438
<u>(9) Conviction of or plea of guilty to a violation of</u>	1439
<u>section 2905.32 of the Revised Code;</u>	1440
<u>(10) In the case of a barber shop, any individual's</u>	1441
<u>conviction of or plea of guilty to a violation of section</u>	1442
<u>2905.32 of the Revised Code for an activity that took place on</u>	1443
<u>the premises of the barber shop.</u>	1444
<u>(B) On determining that there is cause for disciplinary</u>	1445
<u>action, the board may do one or more of the following:</u>	1446
<u>(1) Deny, suspend, revoke, or impose conditions on a</u>	1447

<u>license or permit issued by the board pursuant to this chapter;</u>	1448
<u>(2) Impose a fine;</u>	1449
<u>(3) Require the holder of a license or permit issued under this chapter to take corrective action courses.</u>	1450 1451
<u>(C) (1) Except as provided in divisions (C) (2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.</u>	1452 1453 1454
<u>(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual who or barber shop that is subject to discipline under division (A) (9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.</u>	1455 1456 1457 1458 1459 1460 1461 1462
<u>(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license or permit issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code.</u>	1463 1464 1465 1466 1467 1468 1469 1470 1471 1472
<u>(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4709.05 of the Revised Code.</u>	1473 1474 1475
<u>(E) (1) The board may impose a separate fine for each</u>	1476

offense listed in division (A) of this section. The amount of 1477
the first fine issued for a violation as the result of an 1478
inspection shall be not more than two hundred fifty dollars if 1479
the violator has not previously been fined for that offense. Any 1480
fines issued for additional violations during such an inspection 1481
shall not be more than one hundred dollars for each additional 1482
violation. The fine shall be not more than five hundred dollars 1483
if the violator has been fined for the same offense once before. 1484
Any fines issued for additional violations during a second 1485
inspection shall not be more than two hundred dollars for each 1486
additional violation. The fine shall be not more than one 1487
thousand dollars if the violator has been fined for the same 1488
offense two or more times before. Any fines issued for 1489
additional violations during a third inspection shall not be 1490
more than three hundred dollars for each additional violation. 1491

(2) The board shall issue an order notifying a violator of 1492
a fine imposed under division (E) (1) of this section. The notice 1493
shall specify the date by which the fine is to be paid. The date 1494
shall be less than forty-five days after the board issues the 1495
order. 1496

(3) At the request of a violator who is temporarily unable 1497
to pay a fine, or on the board's own motion, the board may 1498
extend the time period within which the violator shall pay the 1499
fine up to ninety days after the date the board issues the 1500
order. 1501

(4) If the fine remains unpaid on the ninety-first day 1502
after the board issues an order under division (E) (2) of this 1503
section, the amount of the fine shall be certified to the 1504
attorney general for collection in the form and manner 1505
prescribed by the attorney general. The attorney general may 1506

assess the collection cost to the amount certified in such a 1507
manner and amount as prescribed by the attorney general. 1508

(F) The board shall notify a licensee who is subject to 1509
discipline under division (A) of this section and the owner of 1510
the barber shop in which the conditions constituting the reason 1511
for discipline were found. The individual receiving the notice 1512
and the owner of the barber shop may request a hearing pursuant 1513
to section 119.07 of the Revised Code. If the individual or 1514
owner fails to request a hearing or enter into a consent 1515
agreement thirty days after the date the board, in accordance 1516
with section 119.07 of the Revised Code and division (I) of this 1517
section, notifies the individual or owner of the board's intent 1518
to act against the individual or owner under division (A) of 1519
this section, the board, by a majority vote of a quorum of the 1520
board members, may take the action against the individual or 1521
owner without holding an adjudication hearing. 1522

(G) The board, after a hearing in accordance with Chapter 1523
119. of the Revised Code or pursuant to a consent agreement, may 1524
suspend a license or permit if the licensee or permit holder 1525
fails to correct an unsafe condition that exists in violation of 1526
the board's rules or fails to cooperate in an inspection. If a 1527
violation of this chapter or rules adopted under it has resulted 1528
in a condition reasonably believed by an inspector to create an 1529
immediate danger to the health and safety of any individual 1530
using the facility, the inspector may suspend the license or 1531
permit of the facility or the individual responsible for the 1532
violation without a prior hearing until the condition is 1533
corrected or until a hearing in accordance with Chapter 119. of 1534
the Revised Code is held or a consent agreement is entered into 1535
and the board either upholds the suspension or reinstates the 1536
license or permit. 1537

(H) The board shall not take disciplinary action against a 1538
person licensed to operate a barber shop for a violation of this 1539
chapter that was committed by a licensed barber while practicing 1540
within the barber shop, when the barber's actions were beyond 1541
the control of the barber shop owner. 1542

(I) In addition to the methods of notification required 1543
under section 119.07 of the Revised Code, the board may send the 1544
notices required under divisions (C) (2), (E) (2), and (F) of this 1545
section by any delivery method that is traceable and requires 1546
that the delivery person obtain a signature to verify that the 1547
notice has been delivered. The board also may send the notices 1548
by electronic mail, provided that the electronic mail delivery 1549
system certifies that a notice has been received. 1550

Sec. 4709.14. ~~(A) If the state cosmetology and barber~~ 1551
~~board determines that any person individual is violating or~~ 1552
~~threatening is about to violate any provision of this chapter or~~ 1553
~~the rules adopted pursuant thereto and such violation or~~ 1554
~~threatened violation is a threat to the health or safety of~~ 1555
~~persons who use barber services, the board may apply to a court~~ 1556
~~of competent jurisdiction in the county in which the violation~~ 1557
~~or threatened violation occurred or will occur for injunctive~~ 1558
~~relief and such other relief to prevent further violations. The~~ 1559
~~attorney general shall, at the board's request, represent the~~ 1560
~~board in any such action.~~ 1561

~~(B) If the board determines, after a hearing conducted in~~ 1562
~~accordance with Chapter 119. of the Revised Code, that any~~ 1563
~~person has violated any provision of this chapter or the rules~~ 1564
~~adopted pursuant thereto, the board may, in addition to any~~ 1565
~~other action it may take or any other penalty imposed pursuant~~ 1566
~~to this chapter, impose one or more fines upon the person. In no~~ 1567

~~event, however, shall the fines imposed under this division- 1568
exceed five hundred dollars for a first offense or one thousand- 1569
dollars for each subsequent offense. 1570~~

~~(C) A person who allegedly has violated a provision of- 1571
this chapter for which the board proposes to impose a fine may- 1572
pay the board the amount of the fine and waive the right to an- 1573
adjudicatory hearing conducted under Chapter 119. of the Revised- 1574
Code and described in division (B) of this section. 1575~~

Sec. 4709.99. ~~Whoever violates this chapter or any rule- 1576
adopted pursuant thereto section 4709.02 of the Revised Code 1577
shall be fined not less than one hundred nor more than five 1578
hundred dollars for a first offense; for each subsequent 1579
violation of the same provision, the person shall be fined not 1580
less than five hundred nor more than one thousand dollars. 1581~~

Sec. 4713.01. As used in this chapter: 1582

(A) "Apprentice instructor" means an individual holding a 1583
practicing license issued by the state cosmetology and barber 1584
board who is engaged in learning or acquiring knowledge of the 1585
occupation of an instructor of a branch of cosmetology at a 1586
school of cosmetology. 1587

(B) "Barber," "barber instructor," "barber shop," and 1588
"practice of barbering" have the same meanings as in section 1589
4709.01 of the Revised Code. 1590

(C) "Beauty salon" means a salon in which an individual is 1591
authorized to engage in all branches of cosmetology. 1592

(D) "Biennial licensing period" means the two-year period 1593
beginning on the first day of February of an odd-numbered year 1594
and ending on the last day of January of the next odd-numbered 1595
year. 1596

(E) "Boutique salon" means a salon in which an individual 1597
engages in the practice of boutique services and no other branch 1598
of cosmetology. 1599

~~"Boutique services" means braiding, threading, shampooing,~~ 1600
~~and makeup artistry.~~ 1601

(F) "Braiding" means intertwining the hair in a systematic 1602
motion to create patterns in a three-dimensional form, ~~inverting~~ 1603
~~the hair including patterns that are inverted, upright, or~~ 1604
~~singled against the scalp that follow along part of a straight~~ 1605
~~or curved row of intertwined hair, or partings. "Braiding" may~~ 1606
~~include twisting, locking, beading, crocheting, wrapping, or~~ 1607
~~similarly manipulating the hair in a systematic motion, and~~ 1608
~~includes extending the while adding bulk or length with human~~ 1609
~~hair with natural or, synthetic hair fibers, or both, and using~~ 1610
~~simple devices such as clips, combs, crotchet hooks, blunt-~~ 1611
~~tipped needles, and hairpins. "Braiding" does not include the~~ 1612
~~use of chemical hair-joining agents such as synthetic tape,~~ 1613
~~keratin bonds, or fusion bonds to weave or fuse individual~~ 1614
~~strands or wefts; applications of dyes, reactive chemicals, or~~ 1615
~~other preparations to alter the color or straighten, curl, or~~ 1616
~~alter the structure of hair; or embellishing or beautifying hair~~ 1617
~~by cutting or singeing, except as needed to finish the ends of~~ 1618
~~synthetic hair used to add bulk to or lengthen hair.~~ 1619

(G) "Branch of cosmetology" means the ~~practice of~~ 1620
~~cosmetology,~~ practice of esthetics, practice of hair design, 1621
practice of manicuring, practice of natural hair styling, or 1622
practice of boutique services. 1623

(H) "Cosmetic therapy" means the permanent removal of hair 1624
from the human body through the use of electric modalities and 1625
may include the systematic friction, stroking, slapping, and 1626

kneading or tapping of the face, neck, scalp, or shoulders. 1627

(I) "Cosmetologist" means an individual authorized to 1628
engage in all branches of cosmetology in a licensed facility. 1629

~~"Cosmetology" means the art or practice of embellishment, 1630
cleansing, beautification, and styling of hair, wigs, postiches, 1631
face, body, or nails. 1632~~

(J) "Cosmetology instructor" means an individual 1633
authorized to teach the theory and practice of all branches of 1634
cosmetology at a school ~~of cosmetology.~~ 1635

(K) "Esthetician" means an individual who engages in the 1636
practice of esthetics but no other branch of cosmetology in a 1637
licensed facility. 1638

(L) "Esthetics instructor" means an individual who teaches 1639
the theory and practice of esthetics, but no other branch of 1640
cosmetology, at a school ~~of cosmetology.~~ 1641

(M) "Esthetics salon" means a salon in which an individual 1642
engages in the practice of esthetics but no other branch of 1643
cosmetology. 1644

(N) "Eye lash extensions" include temporary and semi- 1645
permanent enhancements designed to add length, thickness, and 1646
fullness to natural eyelashes. 1647

(O) "Hair designer" means an individual who engages in the 1648
practice of hair design but no other branch of cosmetology in a 1649
licensed facility. 1650

(P) "Hair design instructor" means an individual who 1651
teaches the theory and practice of hair design, but no other 1652
branch of cosmetology, at a school ~~of cosmetology.~~ 1653

(Q) "Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology. 1654
1655
1656

(R) "Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis. 1657
1658

(S) "Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility. 1659
1660
1661

(T) "Infection control" means the practice of preventing the spread of infections and disease by ensuring that a salon, school, or tanning facility, including all equipment and implements in the salon, school, or tanning facility, are maintained by doing all of the following, as applicable: 1662
1663
1664
1665
1666

(1) Removing surface or visible dirt or debris by cleaning with soap, detergent, or a chemical cleaner, followed by rinsing with clean water; 1667
1668
1669

(2) Using a chemical disinfectant to kill or denature bacteria, fungi, and viruses; 1670
1671

(3) Applying heat or using other procedures to eliminate, remove, or kill all forms of microbial life present on a surface or contained in a fluid. 1672
1673
1674

(U) "Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 1675
1676
1677

(V) "Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which the practice of one or more branches of cosmetology services are authorized by the state cosmetology and 1678
1679
1680
1681

barber board to be performed. 1682

~~"Advanced cosmetologist" means an individual authorized to 1683
work in a beauty salon and engage in all branches of 1684
cosmetology. 1685~~

~~"Advanced esthetician" means an individual authorized to 1686
work in an esthetics salon, but no other type of salon, and 1687
engage in the practice of esthetics, but no other branch of 1688
cosmetology. 1689~~

~~"Advanced hair designer" means an individual authorized to 1690
work in a hair design salon, but no other type of salon, and 1691
engage in the practice of hair design, but no other branch of 1692
cosmetology. 1693~~

(W) "Advanced license" means a license issued under 1694
section 4713.30 of the Revised Code to work in a salon and 1695
practice the branch of cosmetology practiced at the salon. 1696

~~"Advanced manicurist" means an individual authorized to 1697
work in a nail salon, but no other type of salon, and engage in 1698
the practice of manicuring, but no other branch of cosmetology. 1699~~

~~"Advanced natural hair stylist" means an individual 1700
authorized to work in a natural hair style salon, but no other 1701
type of salon, and engage in the practice of natural hair 1702
styling, but no other branch of cosmetology. 1703~~

(X) "Makeup artistry" means the application of cosmetics 1704
for the purpose of skin beautification. "Makeup artistry" does 1705
not include any other services described in the practice of any 1706
other branch of cosmetology. 1707

(Y) "Manicurist" means an individual who engages in the 1708
practice of manicuring but no other branch of cosmetology in a 1709

licensed facility. 1710

(Z) "Manicurist instructor" means an individual who 1711
teaches the theory and practice of manicuring, but no other 1712
branch of cosmetology, at a school ~~of cosmetology.~~ 1713

(AA) "Nail salon" means a salon in which an individual 1714
engages in the practice of manicuring but no other branch of 1715
cosmetology. 1716

(BB) "Natural hair stylist" means an individual who 1717
engages in the practice of natural hair styling but no other 1718
branch of cosmetology in a licensed facility. 1719

(CC) "Natural hair style instructor" means an individual 1720
who teaches the theory and practice of natural hair styling, but 1721
no other branch of cosmetology, at a school ~~of cosmetology.~~ 1722

(DD) "Natural hair style salon" means a salon in which an 1723
individual engages in the practice of natural hair styling but 1724
no other branch of cosmetology. 1725

~~"Practice of braiding" means utilizing the technique of 1726
intertwining hair in a systematic motion to create patterns in a 1727
three dimensional form, including patterns that are inverted, 1728
upright, or singled against the scalp that follow along straight 1729
or curved partings. It may include twisting or locking the hair 1730
while adding bulk or length with human hair, synthetic hair, or 1731
both and using simple devices such as clips, combs, and 1732
hairpins. "Practice of braiding" does not include application of 1733
weaving, bonding, and fusion of individual strands or wefts; 1734
application of dyes, reactive chemicals, or other preparations 1735
to alter the color or straighten, curl, or alter the structure 1736
of hair; embellishing or beautifying hair by cutting or 1737
singeing, except as needed to finish the ends of synthetic 1738~~

~~fibers used to add bulk to or lengthen hair.~~ 1739

(EE) "Practice of boutique services" means braiding, 1740
threading, shampooing, and makeup artistry. 1741

(FF) "Practice of cosmetology" means the practice of all 1742
branches of cosmetology. 1743

(GG) "Practice of esthetics" means the application of 1744
cosmetics, tonics, antiseptics, creams, lotions, or other 1745
preparations for the purpose of skin beautification and includes 1746
preparation of the skin by manual massage techniques or by use 1747
of electrical, mechanical, or other apparatus; enhancement of 1748
the skin by skin care, facials, body treatments, hair removal, 1749
and other treatments; and eye lash extension services. 1750

(HH) "Practice of hair design" means embellishing or 1751
beautifying hair, wigs, or hairpieces by arranging, dressing, 1752
pressing, curling, waving, permanent waving, cleansing, cutting, 1753
singeing, bleaching, coloring, braiding, weaving, bonding and 1754
fusion of individual strands or wefts, or similar work. 1755
"Practice of hair design" includes utilizing techniques 1756
performed by hand that result in tension on hair roots such as 1757
twisting, wrapping, weaving, extending, locking, or braiding of 1758
the hair. 1759

(II) "Practice of manicuring" means cleaning, trimming, 1760
shaping the free edge of, or applying polish to the nails of any 1761
individual; applying nail enhancements and embellishments to any 1762
individual; massaging the hands and lower arms up to the elbow 1763
of any individual; massaging the feet and lower legs up to the 1764
knee of any individual; using lotions or softeners on the hands 1765
and feet of any individual; or any combination of these types of 1766
services. 1767

(JJ) "Practice of natural hair styling" means utilizing 1768
techniques performed by hand that result in tension on hair 1769
roots such as twisting, wrapping, weaving, bonding and fusion of 1770
individual strands or wefts, extending, locking, or braiding of 1771
the hair and includes cleansing the hair in preparation for 1772
performing such techniques on the hair. "Practice of natural 1773
hair styling" does not include the application of dyes, reactive 1774
chemicals, or other preparations to alter the color or to 1775
straighten, curl, or alter the structure of the hair. "Practice 1776
of natural hair styling" also does not include embellishing or 1777
beautifying hair by cutting or singeing, except as needed to 1778
finish off the end of a braid, or by dressing, pressing, 1779
curling, waving, permanent waving, or similar work. 1780

(KK) "Practicing license" means a license to practice a 1781
branch of cosmetology in a licensed facility. 1782

(LL) "Salon" means a licensed facility on any premises, 1783
building, or part of a building in which an individual engages 1784
in the practice of one or more branches of cosmetology. "Salon" 1785
does not include a barber shop licensed under Chapter 4709. of 1786
the Revised Code. "Salon" does not mean a tanning facility, 1787
although a tanning facility may be located in a salon. 1788

(MM) "~~School of cosmetology~~" means any premises, building, 1789
or part of a building in which students are instructed in the 1790
theories and practices of one or more branches of cosmetology or 1791
barbering. 1792

(NN) "Shampooing" means the act of cleansing and 1793
conditioning an individual's hair under the supervision of an 1794
individual licensed under this chapter and in preparation to 1795
immediately receive a service from a licensee. 1796

(OO) "Student" means ~~an~~ both of the following: 1797

(1) An individual, other than an apprentice instructor, 1798
who is engaged in learning or acquiring knowledge of the 1799
practice of a branch of cosmetology at a school ~~of cosmetology;~~ 1800

(2) An individual engaged in learning or acquiring 1801
knowledge of the practice of barbering at a school. 1802

(PP) "Tanning facility" means any premises, building, or 1803
part of a building that contains one or more rooms or booths 1804
with any of the following: 1805

~~(A)~~ (1) Equipment or beds used for tanning human skin by 1806
the use of fluorescent sun lamps using ultraviolet or other 1807
artificial radiation; 1808

~~(B)~~ (2) Equipment or booths that use chemicals applied to 1809
human skin, including chemical applications commonly referred to 1810
as spray-on, mist-on, or sunless tans; 1811

~~(C)~~ (3) Equipment or beds that use visible light for 1812
cosmetic purposes. 1813

(QQ) "Threading" includes a service that results in the 1814
removal of hair from its follicle from around the eyebrows and 1815
from other parts of the face with the use of a single strand of 1816
thread and an astringent, if the service does not use chemicals 1817
of any kind, wax, or any implements, instruments, or tools to 1818
remove hair. 1819

Sec. 4713.02. (A) There is hereby created the state 1820
cosmetology and barber board, consisting of all of the following 1821
members appointed by the governor, with the advice and consent 1822
of the senate: 1823

(1) One individual holding a current, valid cosmetologist 1824

or cosmetology instructor license at the time of appointment;	1825
(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;	1826 1827 1828
(3) One individual who holds a current, valid independent contractor license <u>issued under this chapter or Chapter 4709. of the Revised Code</u> at the time of appointment and practices a branch of cosmetology;	1829 1830 1831 1832
(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;	1833 1834 1835
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	1836 1837
(6) One owner of at least five licensed salons;	1838
(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1839 1840 1841 1842 1843 1844 1845
(8) One individual representing the general public;	1846
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	1847 1848 1849 1850
(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a	1851 1852

period of not less than five years immediately preceding the 1853
individual's appointment; 1854

(11) One individual who is an employer barber and who has 1855
been licensed as a barber in this state for at least five years 1856
immediately preceding the individual's appointment; 1857

(12) One individual who holds a current, valid barber or 1858
barber ~~teacher~~instructor license at the time of appointment and 1859
who has been licensed as a barber or barber ~~teacher~~instructor 1860
in this state for at least five years immediately preceding the 1861
individual's appointment. 1862

(B) The superintendent of public instruction shall 1863
nominate three individuals for the governor to choose from when 1864
making an appointment under division (A) (4) of this section. 1865

(C) All members shall be at least twenty-five years of 1866
age, residents of the state, and citizens of the United States. 1867
No more than two members, at any time, shall be graduates of the 1868
same school ~~of cosmetology~~. Not more than one member shall have 1869
a common financial connection with any school ~~of cosmetology~~, 1870
salon, ~~barber school, or barber shop,~~ or tanning facility. 1871

Terms of office are for five years. Terms shall commence 1872
on the first day of November and end on the thirty-first day of 1873
October. Each member shall hold office from the date of 1874
appointment until the end of the term for which appointed. In 1875
case of a vacancy occurring on the board, the governor shall, in 1876
the same manner prescribed for the regular appointment to the 1877
board, fill the vacancy by appointing a member. Any member 1878
appointed to fill a vacancy occurring prior to the expiration of 1879
the term for which the member's predecessor was appointed shall 1880
hold office for the remainder of such term. Any member shall 1881

continue in office subsequent to the expiration date of the 1882
member's term until the member's successor takes office, or 1883
until a period of sixty days has elapsed, whichever occurs 1884
first. Before entering upon the discharge of the duties of the 1885
office of member, each member shall take, and file with the 1886
secretary of state, the oath of office required by Section 7 of 1887
Article XV, Ohio Constitution. 1888

The members of the board shall receive an amount fixed 1889
pursuant to Chapter 124. of the Revised Code per diem for every 1890
meeting of the board which they attend, together with their 1891
necessary expenses, and mileage for each mile necessarily 1892
traveled. 1893

The members of the board shall annually elect, from among 1894
their number, a chairperson and a vice-chairperson. The 1895
executive director appointed pursuant to section 4713.06 of the 1896
Revised Code shall serve as the board's secretary. 1897

(D) The board shall prescribe the duties of its officers 1898
and establish an office within Franklin county. The board shall 1899
keep all records and files at the office and have the records 1900
and files at all reasonable hours open to public inspection in 1901
accordance with section 149.43 of the Revised Code and any rules 1902
adopted by the board in compliance with this state's record 1903
retention policy. The board also shall adopt a seal for the 1904
authentication of its orders, communications, and records. 1905

(E) The governor may remove any member for cause prior to 1906
the expiration of the member's term of office. 1907

(F) Whenever the term "state board of cosmetology" is 1908
used, referred to, or designated in statute, rule, contract, 1909
grant, or other document, the use, reference, or designation 1910

shall be deemed to mean the "state cosmetology and barber board" 1911
or the executive director of the state cosmetology and barber 1912
board, whichever is appropriate in context. Whenever the term 1913
"barber board" is used, referred to, or designated in statute, 1914
rule, contract, grant, or other document, the use, reference, or 1915
designation shall be deemed to mean the "state cosmetology and 1916
barber board" or the executive director of the state cosmetology 1917
and barber board, whichever is appropriate in context. 1918

Sec. 4713.06. The state cosmetology and barber board shall 1919
annually appoint an executive director. The executive director 1920
may not be a member of the board, but subsequent to appointment, 1921
shall serve as secretary of the board. The executive director, 1922
before entering upon the discharge of the executive director's 1923
duties, shall file with the secretary of state a good and 1924
sufficient bond payable to the state, to ensure the faithful 1925
performance of duties of the office of executive director. The 1926
bond shall be in an amount the board requires. The premium of 1927
the bond shall be paid from appropriations made to the board for 1928
operating purposes. Whenever the term "executive director of the 1929
state board of cosmetology" or the term "executive director of 1930
the barber board," or variations thereof, is used, referred to, 1931
or designated in statute, rule, contract, grant, or other 1932
document, the use, reference, or designation shall be deemed to 1933
mean the "executive director of the state cosmetology and barber 1934
board." 1935

The board may employ inspectors, examiners, consultants on 1936
contents of examinations, clerks, or other individuals as 1937
necessary for the administration of this chapter and Chapter 1938
4709. of the Revised Code. All inspectors and examiners shall be 1939
licensed cosmetologists pursuant to this chapter or licensed 1940
barbers pursuant to Chapter 4709. of the Revised Code. 1941

The board may appoint inspectors to inspect and 1942
investigate all facilities regulated by this chapter and Chapter 1943
4709. of the Revised Code, including tanning facilities, to 1944
ensure compliance with this chapter and Chapter 4709. of the 1945
Revised Code, the rules adopted by the board, and the board's 1946
policies, in accordance with division ~~(A)(11)~~ (A)(10) of section 1947
4713.07 of the Revised Code. 1948

Sec. 4713.07. (A) The state cosmetology and barber board 1949
shall do all of the following: 1950

(1) Regulate the practice of cosmetology and all of its 1951
branches in this state; 1952

(2) Investigate or inspect, when evidence appears to 1953
demonstrate that an individual has violated any provision of 1954
this chapter or Chapter 4709. of the Revised Code or any rule 1955
~~adopted pursuant to it~~ under either chapter, the activities or 1956
premises of a license holder or unlicensed individual; 1957

(3) Adopt rules in accordance with section 4713.08 of the 1958
Revised Code; 1959

(4) Prescribe and make available application forms to be 1960
used by individuals seeking admission to an examination 1961
conducted under section 4713.24 of the Revised Code or a license 1962
or registration issued under this chapter; 1963

(5) Prescribe and make available application forms to be 1964
used by individuals seeking renewal of a license or registration 1965
issued under this chapter; 1966

(6) Provide a toll-free number and an online service to 1967
receive complaints alleging violations of this chapter or 1968
Chapter 4709. of the Revised Code; 1969

(7) Report to the proper prosecuting officer violations of	1970
section 4713.14 of the Revised Code of which the board is aware;	1971
(8) Submit a written report annually to the governor that	1972
provides all of the following:	1973
(a) A discussion of the conditions in this state of the	1974
<u>practice of barbering, cosmetology, and the branches of</u>	1975
cosmetology;	1976
(b) An evaluation of board activities intended to aid or	1977
protect consumers;	1978
(c) A brief summary of the board's proceedings during the	1979
year the report covers;	1980
(d) A statement of all money that the board received and	1981
expended during the year the report covers.	1982
(9) <u>(8)</u> Keep a record of all of the following:	1983
(a) The board's proceedings;	1984
(b) The name and last known physical address, electronic	1985
mail address, and telephone number of each individual issued a	1986
license or registration under this chapter <u>or Chapter 4709. of</u>	1987
<u>the Revised Code;</u>	1988
(c) The date and number of each license, permit, and	1989
registration that the board issues.	1990
(10) <u>(9)</u> Assist ex-offenders and military veterans who	1991
hold licenses issued by the board to find employment within	1992
salons, <u>barber shops,</u> or other facilities within this state;	1993
(11) <u>(10)</u> Require inspectors appointed pursuant to section	1994
4713.06 of the Revised Code to conduct inspections of licensed	1995
or permitted facilities, including salons and boutique salons,	1996

~~schools of cosmetology, barber schools,~~ barber shops, and 1997
tanning facilities, within ninety days of the opening for 1998
business of a licensed facility, upon complaints reported to the 1999
board, within ninety days after a violation was documented at a 2000
facility, and at least once every two years. Any individual, 2001
after providing the individual's name and contact information, 2002
may report to the board any information the individual may have 2003
that appears to show a violation of any provision of this 2004
chapter or rule adopted under it or a violation of any provision 2005
of Chapter 4709. of the Revised Code or rule adopted by the 2006
board pursuant to Chapter 4709. of the Revised Code. In the 2007
absence of bad faith, any individual who reports information of 2008
that nature or who testifies before the board in any 2009
adjudication conducted under Chapter 119. of the Revised Code 2010
shall not be liable for damages in a civil action as a result of 2011
the report or testimony. For the purpose of inspections, an 2012
independent contractor licensed under this chapter or Chapter 2013
4709. of the Revised Code shall be added to the board's records 2014
as an individual salon or barber shop. 2015

~~(12)~~ (11) Supply a copy of the poster created pursuant to 2016
division (B) of section 5502.63 of the Revised Code to each 2017
person authorized to operate a salon, ~~school of cosmetology,~~ 2018
tanning facility, or other type of facility under this chapter; 2019

~~(13)~~ (12) All other duties that this chapter imposes on 2020
the board. 2021

(B) The board may ~~delegate~~ do either of the following: 2022

(1) Report to the proper prosecuting officer violations of 2023
section 4709.02 or 4713.14 of the Revised Code; 2024

(2) Delegate any of the duties listed in division (A) of 2025

this section to the executive director of the board or to an individual designated by the executive director.

Sec. 4713.071. (A) ~~The~~ Before the fifteenth day of November of each year, the state cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding ~~twelve-month period~~ fiscal year:

(1) The number of students enrolled in courses at licensed public and private schools ~~of cosmetology and barbering~~;

(2) The number of students graduating from licensed public and private schools ~~of cosmetology and barbering~~;

(3) The annual cost for students to attend each licensed public or private school ~~of cosmetology and barbering~~;

(4) The loan default rates for licensed public and private schools ~~of cosmetology and barbering~~;

(5) The first-time licensure passage rate for graduates of all public and private schools ~~of cosmetology and barbering~~;

(6) The total number of new and renewal licenses in each profession;

(7) The total number of complaint-driven inspections conducted by the board;

(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;

(10) The number of adjudications or other disciplinary action taken by the board.	2053 2054
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.	2055 2056 2057
Sec. 4713.08. (A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	2058 2059 2060 2061
(1) Govern the practice of the branches of cosmetology;	2062
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	2063 2064 2065 2066 2067
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	2068 2069
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	2070 2071 2072 2073 2074
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	2075 2076
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	2077 2078 2079 2080

- (7) Specify locations in which glamour photography 2081
services in which a branch of cosmetology is practiced may be 2082
provided; 2083
- (8) Establish conditions and the fee for a temporary 2084
special occasion work permit under section 4713.37 of the 2085
Revised Code and specify the amount of time such a permit is 2086
valid; 2087
- (9) Specify conditions an applicant must satisfy for the 2088
board to issue the applicant an independent contractor license 2089
under section 4713.39 of the Revised Code and the fee for 2090
issuance and renewal of the license; 2091
- (10) Establish conditions under which food may be sold at 2092
a salon; 2093
- (11) Specify which professions regulated by a professional 2094
regulatory board of this state may be practiced in a salon under 2095
section 4713.42 of the Revised Code, including whether cosmetic 2096
therapy may be practiced in a salon; 2097
- (12) Establish standards for the provision of cosmetic 2098
therapy, massage therapy, or other professional service in a 2099
salon pursuant to section 4713.42 of the Revised Code; 2100
- (13) Establish standards for board approval of, and the 2101
granting of credits for, training in branches of cosmetology or 2102
barbering at schools ~~of cosmetology~~-licensed in this state; 2103
- (14) Establish the manner in which a school ~~of cosmetology~~- 2104
licensed under section 4713.44 of the Revised Code may offer 2105
post-secondary and advanced practice programs; 2106
- (15) Establish ~~sanitary~~ infection control standards for 2107
the practice of the branches of cosmetology and the operation 2108

<u>of salons, and schools of cosmetology;</u>	2109
(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	2110 2111 2112 2113
(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including <u>infection control standards and</u> standards that do all of the following:	2114 2115 2116 2117
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	2118 2119 2120
(b) Require consumers to wear protective eyeglasses;	2121
(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;	2122 2123
(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;	2124 2125 2126 2127 2128
(e) Require the installation of protective shielding for sun lamps and handrails for consumers;	2129 2130
(f) Require floors to be dry during operation of lamps;	2131
(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.	2132 2133 2134 2135

~~(18)(a)~~ (18) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

~~(i)(a)~~ (a) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. ~~If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;~~

~~(ii)(b)~~ (b) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.

~~(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.~~

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Establish requirements for students of schools who are engaged in learning the theory and practice of barbering;

(21) Establish the minimum student-instructor ratio that a school offering instruction in the theory and practice of barbering must meet; 2165
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(22) Anything else necessary to implement this chapter. 2168

~~(B) (1) (B)~~ The rules adopted under division (A) (2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country. 2169
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~~(2) The rules adopted under division (A) (18) (b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.~~ 2174
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(C) The conditions specified in rules adopted under division (A) (6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary. 2178
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(D) The rules adopted under division (A) (11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession. 2182
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(E) The ~~sanitary~~ infection control standards established under division (A) (15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. ~~The board shall consult with the Ohio department of health when establishing the sanitary standards.~~ 2186
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(F) The fee established by rules adopted under division (A) (16) of this section shall cover the cost the board incurs in 2192
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inspecting tanning facilities and enforcing the board's rules 2194
but may not exceed one hundred dollars per location of such 2195
facilities. 2196

Sec. 4713.081. (A) The state cosmetology and barber board 2197
shall furnish a copy of the ~~sanitary-infection control~~ standards 2198
established by rules adopted under section 4713.08 of the 2199
Revised Code to ~~each~~ both of the following: 2200

(1) Each individual or person to whom the board issues a 2201
practicing license, advanced license, license to operate a salon 2202
or school ~~of cosmetology~~, or boutique services registration. ~~The~~ 2203
~~board also shall furnish a copy of the sanitary standards to~~ 2204
~~each;~~ 2205

(2) Each individual providing cosmetic therapy, massage 2206
therapy, or other professional service in a salon under section 2207
4713.42 of the Revised Code. 2208

(B) A salon or school ~~of cosmetology~~ provided a copy of 2209
the ~~sanitary-infection control~~ standards under division (A) of 2210
this section shall post the standards in a public and 2211
conspicuous place in the salon or school. 2212

Sec. 4713.09. The state cosmetology and barber board may 2213
adopt rules in accordance with section 4713.08 of the Revised 2214
Code to establish a continuing education requirement, not to 2215
exceed eight hours in a biennial licensing period, as a 2216
condition of renewal for a practicing license, advanced license, 2217
instructor license, or boutique services registration. These 2218
hours may include training in identifying and addressing the 2219
crime of trafficking in persons as described in section 2905.32 2220
of the Revised Code. At least two of the eight hours of the 2221
continuing education requirement must be achieved in courses 2222

concerning safety and ~~sanitation~~infection control, and at least 2223
one hour of the eight hours of the continuing education 2224
requirement must be achieved in courses concerning law and rule 2225
updates. 2226

Sec. 4713.10. (A) The state cosmetology and barber board 2227
shall charge and collect the following nonrefundable fees: 2228

(1) For a temporary pre-examination work permit under 2229
section 4713.22 of the Revised Code, not more than fifteen 2230
dollars; 2231

(2) For initial application to take an examination under 2232
section 4713.24 of the Revised Code, not more than forty 2233
dollars; 2234

(3) For application to take an examination under section 2235
4713.24 of the Revised Code by an applicant who has previously 2236
applied to take, but failed to appear for, the examination, not 2237
more than fifty-five dollars; 2238

(4) For application to re-take an examination under 2239
section 4713.24 of the Revised Code by an applicant who has 2240
previously appeared for, but failed to pass, the examination, 2241
not more than forty dollars; 2242

(5) For the issuance of a license under section 4713.28, 2243
4713.30, or 4713.31 of the Revised Code, not more than seventy- 2244
five dollars; 2245

(6) For the issuance of a license under section 4713.34 of 2246
the Revised Code, not more than seventy dollars; 2247

(7) For renewal of a license issued under section 4713.28, 2248
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than 2249
seventy dollars; 2250

(8) For the issuance or renewal of a cosmetology school	2251
license, <u>or the change of name or ownership of a licensed</u>	2252
<u>school,</u> not more than two hundred fifty dollars;	2253
(9) For the issuance of a new salon license or the change	2254
of name or ownership of a salon license under section 4713.41 of	2255
the Revised Code, not more than one hundred dollars;	2256
(10) For the renewal of a salon license under section	2257
4713.41 of the Revised Code, not more than ninety dollars;	2258
(11) For the restoration of an expired license that may be	2259
restored pursuant to section 4713.63 of the Revised Code, an	2260
amount equal to the sum of the current license renewal fee and a	2261
lapsed renewal fee of not more than forty-five dollars per	2262
license renewal period that has elapsed since the license was	2263
last issued or renewed <u>for up to three license renewal periods;</u>	2264
(12) For the issuance of a duplicate of any <u>salon license,</u>	2265
<u>school license, or tanning facility permit,</u> not more than thirty	2266
dollars;	2267
(13) For the preparation and mailing of a licensee's	2268
records to another state for a reciprocity license, not more	2269
than fifty dollars;	2270
(14) For the processing of any fees related to a check	2271
from a licensee returned to the board for insufficient funds, an	2272
additional thirty dollars.	2273
(B) The board shall adjust the fees biennially, by rule,	2274
within the limits established by division (A) of this section,	2275
to provide sufficient revenues to meet its expenses.	2276
(C) The board may establish an installment plan for the	2277
payment of fines and fees and may reduce fees as considered	2278

appropriate by the board.	2279
(D) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.	2280 2281 2282 2283 2284 2285 2286 2287 2288
Sec. 4713.14. No individual shall do any of the following:	2289
(A) Use fraud or deceit in <u>obtaining or making</u> application for a license, permit, or registration;	2290 2291
(B) Aid or abet any individual or entity in any of the following:	2292 2293
(1) Violating this chapter or a rule adopted under it;	2294
(2) Obtaining a license, permit, or registration fraudulently;	2295 2296
(3) Falsely pretending to hold a current, valid license or permit.	2297 2298
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	2299 2300 2301
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2302 2303
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	2304 2305

(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	2306 2307
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	2308 2309 2310
(5) A current, valid registration under section 4713.69 of the Revised Code.	2311 2312
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	2313 2314 2315
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2316 2317
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	2318 2319
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	2320 2321
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	2322 2323 2324
(5) A current, valid registration under section 4713.69 of the Revised Code.	2325 2326
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	2327 2328 2329 2330 2331
(1) A current, valid license under section 4713.31 or	2332

4713.34 of the Revised Code;	2333
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	2334 2335
(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:	2336 2337 2338 2339 2340
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	2341 2342
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	2343 2344
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	2345 2346 2347 2348
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;	2349 2350 2351 2352
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	2353 2354
(J) Provide any of the following at a salon for pay, free, or otherwise:	2355 2356
(1) Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code;	2357 2358 2359

(2) Any other professional service, unless the individual 2360
has a current, valid license or certificate issued by the 2361
professional regulatory board of this state that regulates the 2362
profession; 2363

(3) Cosmetic therapy, unless the individual is authorized 2364
by rules adopted under section 4713.08 of the Revised Code. 2365

(K) Teach a branch of cosmetology at a salon, unless the 2366
individual receiving the instruction holds either of the 2367
following authorizing the practice of that branch of 2368
cosmetology: 2369

(1) A current, valid license under section 4713.28, 2370
4713.30, or 4713.34 of the Revised Code; 2371

(2) A current, valid temporary pre-examination work permit 2372
issued under section 4713.22 of the Revised Code. 2373

(L) Operate a school ~~of cosmetology~~ without a current, 2374
valid license under section 4713.44 of the Revised Code; 2375

(M) At a salon or school ~~of cosmetology~~, do any of the 2376
following: 2377

(1) Use or possess a cosmetic product containing an 2378
ingredient that the United States food and drug administration 2379
has prohibited by regulation; 2380

(2) Use a cosmetic product in a manner inconsistent with a 2381
restriction established by the United States food and drug 2382
administration by regulation; 2383

(3) Use or possess a liquid nail monomer containing any 2384
trace of methyl methacrylate (MMA). 2385

(N) While in charge of a salon or school ~~of cosmetology~~, 2386

permit any individual to sleep in, or use for residential 2387
purposes, any room used wholly or in part as the salon or school 2388
~~of cosmetology;~~ 2389

(O) Maintain, as an established place of business for the 2390
practice of one or more of the branches of cosmetology, a room 2391
used wholly or in part for sleeping or residential purposes; 2392

(P) Operate a tanning facility that is offered to the 2393
public for a fee or other compensation without a current, valid 2394
permit under section 4713.48 of the Revised Code; 2395

(Q) Practice a branch of cosmetology in a location other 2396
than a licensed facility unless otherwise exempted under section 2397
4713.16 ~~or, 4713.17, or 4713.351~~ of the Revised Code; 2398

(R) Use any of the services or arts that are part of the 2399
practice of a branch of cosmetology to treat or attempt to cure 2400
a physical or mental disease or ailment. 2401

Sec. 4713.141. An inspector employed by the state 2402
cosmetology and barber board may take a sample of a product used 2403
or sold in a salon or school ~~of cosmetology~~ for the purpose of 2404
examining the sample, or causing an examination of the sample to 2405
be made, to determine whether division (M) of section 4713.14 of 2406
the Revised Code has been violated. 2407

Should the results of the test prove that division (M) of 2408
section 4713.14 of the Revised Code has been violated, the board 2409
shall take action in accordance with section 4713.64 of the 2410
Revised Code. A fine imposed under that section shall include 2411
the cost of the test. The person's license may be suspended or 2412
revoked. 2413

Sec. 4713.16. (A) This chapter does not prohibit any of 2414
the following: 2415

- (1) Practicing a branch of cosmetology without a license 2416
or registration if the individual does so for free at the 2417
individual's home for a family member who resides in the same 2418
household as the individual; 2419
- (2) The retail sale, or trial demonstration by application 2420
to the skin for purposes of retail sale, of cosmetics, 2421
preparations, tonics, antiseptics, creams, lotions, wigs, or 2422
hairpieces without a practicing license or registration; 2423
- (3) The retailing, at a salon, of cosmetics, preparations, 2424
tonics, antiseptics, creams, lotions, wigs, hairpieces, 2425
clothing, or any other items that pose no risk of creating 2426
unsanitary conditions at the salon; 2427
- (4) The provision of glamour photography services at a 2428
licensed salon if either of the following is the case: 2429
- (a) A branch of cosmetology is not practiced as part of 2430
the services. 2431
- (b) If a branch of cosmetology is practiced as part of the 2432
services, the part of the services that is a branch of 2433
cosmetology is performed by an individual who holds either of 2434
the following authorizing the individual to practice that branch 2435
of cosmetology: 2436
- (i) A current, valid license under section 4713.28, 2437
4713.30, or 4713.34 of the Revised Code; 2438
- (ii) A current, valid temporary special occasion work 2439
permit issued under section 4713.37 of the Revised Code. 2440
- (5) A student engaging, as a student, in work connected 2441
with a branch of cosmetology taught at the school ~~of cosmetology~~ 2442
at which the student is enrolled; 2443

(6) Practicing a branch of cosmetology without a license 2444
or registration if the individual does so for free for the 2445
purpose of researching or developing a cosmetic as defined in 2446
section 3715.01 of the Revised Code; 2447

(7) An individual who holds a license or registration 2448
issued under this chapter practicing a branch of cosmetology on 2449
a dead human body at a funeral home or embalming facility 2450
licensed under section 4717.06 of the Revised Code. 2451

(B) A student in a career-technical program learning a 2452
branch of cosmetology may continue developing skills in the 2453
respective branch of cosmetology after completing the required 2454
coursework or obtaining a license in the respective branch of 2455
cosmetology by working in the licensed career-technical school 2456
clinic if the student does not receive any compensation. This 2457
allowance terminates upon the graduation of the student from the 2458
career-technical school. 2459

Sec. 4713.17. (A) The following persons are exempt from 2460
the provisions of this chapter, except, as applicable, section 2461
4713.42 of the Revised Code: 2462

(1) All individuals authorized to practice medicine, 2463
surgery, dentistry, and nursing or any of its branches in this 2464
state, while acting within the scope of practice for the 2465
license, permit, or certificate held; 2466

(2) Commissioned surgical and medical officers of the 2467
United States army, navy, air force, or marine hospital service 2468
when engaged in the actual performance of their official duties, 2469
and attendants attached to same, while acting within the scope 2470
of practice for the license, permit, or certificate held; 2471

(3) Funeral directors, embalmers, and apprentices licensed 2472

or ~~registered~~ certified under Chapter 4717. of the Revised Code, 2473
while acting within the scope of practice for the license, 2474
permit, or certificate held; 2475

(4) Persons who are engaged in the retail sale, cleaning, 2476
or beautification of wigs and hairpieces but who do not engage 2477
in any other act constituting the practice of a branch of 2478
cosmetology; 2479

(5) Volunteers of hospitals, and homes as defined in 2480
section 3721.01 of the Revised Code, who render service to 2481
registered patients and inpatients who reside in such hospitals 2482
or homes. Such volunteers shall not use or work with any 2483
chemical products such as permanent wave, hair dye, or chemical 2484
hair relaxer, which without proper training would pose a health 2485
or safety problem to the patient. 2486

(6) Nurse aides and other employees of hospitals and homes 2487
as defined in section 3721.01 of the Revised Code, who practice 2488
a branch of cosmetology on registered patients only as part of 2489
general patient care services and who do not charge patients 2490
directly on a fee for service basis; 2491

(7) Massage therapists who hold current, valid licenses to 2492
practice massage therapy issued by the state medical board under 2493
section 4731.15 of the Revised Code, ~~to the extent their actions~~ 2494
~~are authorized by their licenses~~ while acting within the scope of 2495
practice for the license held; 2496

(8) Inmates who provide services related to the practice 2497
of a branch of cosmetology to other inmates, except when those 2498
services are provided in a licensed school ~~of cosmetology~~ within 2499
a state correctional institution ~~for females.~~ 2500

(B) The director of rehabilitation and correction shall 2501

oversee the services described in division (A) (8) of this 2502
section with respect to ~~sanitation~~infection control and adopt 2503
rules governing those types of services provided by inmates. 2504

Sec. 4713.25. (A) The state cosmetology and barber board 2505
may administer a separate ~~advanced cosmetologist~~ examination for 2506
an advanced license to practice cosmetology for individuals who 2507
complete an advanced cosmetologist training course separate from 2508
a cosmetologist training course. The board may combine the 2509
advanced cosmetologist examination with the cosmetologist 2510
examination for individuals who complete a combined 2511
cosmetologist and advanced cosmetologist training course. 2512

(B) The board may administer a separate ~~advanced~~ 2513
~~esthetician~~ examination for an advanced license to practice 2514
esthetics for individuals who complete an advanced esthetician 2515
training course separate from an esthetician training course. 2516
The board may combine the advanced esthetician examination with 2517
the esthetician examination for individuals who complete an 2518
esthetician and advanced esthetician training course. 2519

(C) The board may administer a separate ~~advanced hair~~ 2520
~~designer~~ examination for an advanced license to practice hair 2521
design for individuals who complete an advanced hair designer 2522
training course separate from a hair designer training course. 2523
The board may combine the advanced hair designer examination 2524
with the hair designer examination for individuals who complete 2525
a hair designer and advanced hair designer training course. 2526

(D) The board may administer a separate ~~advanced~~ 2527
~~manicurist~~ examination for an advanced license to practice 2528
manicuring for individuals who complete an advanced manicurist 2529
training course separate from a manicurist training course. The 2530
board may combine the advanced manicurist examination with the 2531

manicurist examination for individuals who complete a manicurist 2532
and advanced manicurist training course. 2533

(E) The board may administer a separate ~~advanced natural~~ 2534
~~hair stylist~~ examination for an advanced license to practice 2535
natural hair styling for individuals who complete an advanced 2536
natural hair stylist training course separate from a natural 2537
hair stylist training course. The board may combine the advanced 2538
natural hair stylist examination with the natural hair stylist 2539
examination for individuals who complete a natural hair stylist 2540
and advanced natural hair stylist training course. 2541

Sec. 4713.28. (A) The state cosmetology and barber board 2542
shall issue a practicing license to an applicant who satisfies 2543
all of the following applicable conditions: 2544

(1) Is at least sixteen years of age; 2545

(2) Has the equivalent of an Ohio public school tenth 2546
grade education; 2547

(3) Has submitted a written application on a form 2548
furnished by the board that contains all of the following: 2549

(a) The name of the individual and any other identifying 2550
information required by the board; 2551

(b) A photocopy of the individual's current driver's 2552
license or other proof of legal residence; 2553

(c) Proof that the individual is qualified to take the 2554
applicable examination as required by section 4713.20 of the 2555
Revised Code; 2556

(d) An oath verifying that the information in the 2557
application is true; 2558

(e) The applicable application fee.	2559
(4) <u>Notwithstanding section 4798.05 of the Revised Code,</u>	2560
<u>submits to having a photograph taken by the board;</u>	2561
(5) <u>Passes an examination conducted under division (A) of</u>	2562
<u>section 4713.24 of the Revised Code for the branch of</u>	2563
<u>cosmetology the applicant seeks to practice;</u>	2564
(5) <u>(6) Pays to the board the applicable license fee;</u>	2565
(6) <u>(7) In the case of an applicant for an initial</u>	2566
<u>cosmetologist license, has successfully completed at least one</u>	2567
<u>thousand five hundred hours of board-approved cosmetology</u>	2568
<u>training in a school of cosmetology licensed in this state,</u>	2569
<u>except that only one thousand hours of board-approved</u>	2570
<u>cosmetology training in a school of cosmetology licensed in this</u>	2571
<u>state is required of an individual licensed as a barber under</u>	2572
<u>Chapter 4709. of the Revised Code;</u>	2573
(7) <u>(8) In the case of an applicant for an initial</u>	2574
<u>esthetician license, has successfully completed at least six</u>	2575
<u>hundred hours of board-approved esthetics training in a school</u>	2576
<u>of cosmetology licensed in this state;</u>	2577
(8) <u>(9) In the case of an applicant for an initial hair</u>	2578
<u>designer license, has successfully completed at least one</u>	2579
<u>thousand two hundred hours of board-approved hair designer</u>	2580
<u>training in a school of cosmetology licensed in this state,</u>	2581
<u>except that only one thousand hours of board-approved hair</u>	2582
<u>designer training in a school of cosmetology licensed in this</u>	2583
<u>state is required of an individual licensed as a barber under</u>	2584
<u>Chapter 4709. of the Revised Code;</u>	2585
(9) <u>(10) In the case of an applicant for an initial</u>	2586
<u>manicurist license, has successfully completed at least two</u>	2587

hundred hours of board-approved manicurist training in a school 2588
~~of cosmetology licensed in this state;~~ 2589

~~(10)~~ (11) In the case of an applicant for an initial 2590
natural hair stylist license, has successfully completed at 2591
least four hundred fifty hours of instruction in subjects 2592
relating to ~~sanitation~~ infection control, scalp care, anatomy, 2593
hair styling, communication skills, and laws and rules governing 2594
the practice of cosmetology. 2595

(B) The board shall not deny a license to any applicant 2596
based on prior incarceration or conviction for any crime. If the 2597
board denies an individual a license or license renewal, the 2598
reasons for such denial shall be put in writing. 2599

Sec. 4713.30. The state cosmetology and barber board shall 2600
issue an advanced license to an applicant who satisfies all of 2601
the following applicable conditions: 2602

(A) Is at least sixteen years of age; 2603

(B) Has the equivalent of an Ohio public school tenth 2604
grade education; 2605

(C) Pays to the board the applicable application fee; 2606

(D) Notwithstanding section 4798.05 of the Revised Code, 2607
submits to having a photograph taken by the board; 2608

(E) Passes the appropriate advanced license examination; 2609

~~(E)~~ (F) In the case of an applicant for an initial 2610
advanced ~~cosmetologist~~ license to practice cosmetology, does 2611
either of the following: 2612

(1) ~~Has a licensed advanced cosmetologist or owner of a~~ 2613
~~licensed beauty salon located in this or another state certify~~ 2614

~~to~~ Submits proof, as determined by the board, that the applicant 2615
has practiced as a cosmetologist for at least one thousand eight 2616
hundred hours in a licensed beauty salon; 2617

(2) Has a school ~~of cosmetology~~ licensed in this state 2618
certify to the board that the applicant has successfully 2619
completed, in addition to the hours required for licensure as a 2620
cosmetologist, at least three hundred hours of board-approved 2621
advanced cosmetologist training. 2622

~~(F)~~ (G) In the case of an applicant for an initial 2623
advanced ~~esthetician~~ license to practice esthetics, does either 2624
of the following: 2625

(1) ~~Has the licensed advanced esthetician, licensed~~ 2626
~~advanced cosmetologist, or owner of a licensed esthetics salon~~ 2627
~~or licensed beauty salon located in this or another state~~ 2628
~~certify to~~ Submits proof, as determined by the board, that the 2629
applicant has practiced esthetics for at least one thousand 2630
eight hundred hours as an esthetician in a licensed esthetics 2631
salon or as a cosmetologist in a licensed beauty salon; 2632

(2) Has a school ~~of cosmetology~~ licensed in this state 2633
certify to the board that the applicant has successfully 2634
completed, in addition to the hours required for licensure as an 2635
esthetician or cosmetologist, at least one hundred fifty hours 2636
of board-approved advanced esthetician training. 2637

~~(G)~~ (H) In the case of an applicant for an initial 2638
advanced ~~hair designer~~ license to practice hair design, does 2639
either of the following: 2640

(1) ~~Has the licensed advanced hair designer, licensed~~ 2641
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 2642
~~or licensed beauty salon located in this or another state~~ 2643

~~certify to~~ Submits proof, as determined by the board, that the 2644
applicant has practiced hair design for at least one thousand 2645
eight hundred hours as a hair designer in a licensed hair design 2646
salon or as a cosmetologist in a licensed beauty salon; 2647

(2) Has a school ~~of cosmetology~~ licensed in this state 2648
certify to the board that the applicant has successfully 2649
completed, in addition to the hours required for licensure as a 2650
hair designer or cosmetologist, at least two hundred forty hours 2651
of board-approved advanced hair designer training. 2652

~~(H)~~ (I) In the case of an applicant for an initial 2653
advanced ~~manicurist~~ license to practice manicuring, does either 2654
of the following: 2655

(1) ~~Has the licensed advanced manicurist, licensed~~ 2656
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 2657
~~licensed beauty salon, or licensed barber shop located in this~~ 2658
~~or another state~~ certify to Submits proof, as determined by the 2659
board, that the applicant has practiced manicuring for at least 2660
one thousand eight hundred hours as a manicurist in a licensed 2661
nail salon or licensed barber shop or as a cosmetologist in a 2662
licensed beauty salon or licensed barber shop; 2663

(2) Has a school ~~of cosmetology~~ licensed in this state 2664
certify to the board that the applicant has successfully 2665
completed, in addition to the hours required for licensure as a 2666
manicurist or cosmetologist, at least one hundred hours of 2667
board-approved advanced manicurist training. 2668

~~(I)~~ (J) In the case of an applicant for an initial 2669
advanced ~~natural hair stylist~~ license to practice natural hair 2670
styling, does either of the following: 2671

(1) ~~Has the licensed advanced natural hair stylist,~~ 2672

~~licensed advanced cosmetologist, or owner of a licensed natural-~~ 2673
~~hair style salon or licensed beauty salon located in this or~~ 2674
~~another state certify to~~ Submits proof, as determined by the 2675
board, that the applicant has practiced natural hair styling for 2676
at least one thousand eight hundred hours as a natural hair 2677
stylist in a licensed natural hair style salon or as a 2678
cosmetologist in a licensed beauty salon; 2679

(2) Has a school ~~of cosmetology~~ licensed in this state 2680
certify to the board that the applicant has successfully 2681
completed, in addition to the hours required for licensure as a 2682
natural hair stylist or cosmetologist, at least one hundred 2683
fifty hours of board-approved advanced natural hair stylist 2684
training. 2685

(K) Pays to the board the applicable license fee. 2686

Sec. 4713.31. The state cosmetology and barber board shall 2687
issue an instructor license to an applicant who satisfies all of 2688
the following applicable conditions: 2689

(A) Is at least eighteen years of age; 2690

(B) Has the equivalent of an Ohio public school twelfth 2691
grade education; 2692

(C) Pays to the board the applicable application fee; 2693

(D) Notwithstanding section 4798.05 of the Revised Code, 2694
submits to having a photograph taken by the board; 2695

(E) In the case of an applicant for an initial cosmetology 2696
instructor license, holds a current, valid advanced 2697
~~cosmetologist license to practice cosmetology~~ issued in this 2698
state and does either of the following: 2699

(1) ~~Has the licensed advanced cosmetologist or owner of~~ 2700

~~the licensed beauty salon in which the applicant has been-~~ 2701
~~employed certify to-~~ Submits proof, as determined by the board, 2702
that the applicant has engaged in the practice of cosmetology in 2703
a licensed beauty salon for at least one thousand eight hundred 2704
hours; 2705

(2) Has a school ~~of cosmetology~~-licensed in this state 2706
certify to the board that the applicant has successfully 2707
completed one thousand hours of board-approved cosmetology 2708
instructor training as an apprentice instructor. 2709

~~(E)~~ (F) In the case of an applicant for an initial 2710
esthetics instructor license, holds a current, valid advanced 2711
~~esthetician or advanced cosmetologist~~-license to practice 2712
esthetics or cosmetology issued in this state and does either of 2713
the following: 2714

(1) ~~Has the licensed advanced esthetician, licensed-~~ 2715
~~advanced cosmetologist, or owner of the licensed esthetics salon-~~ 2716
~~or licensed beauty salon in which the applicant has been-~~ 2717
~~employed certify to-~~ Submits proof, as determined by the board, 2718
that the applicant has engaged in the practice of esthetics in a 2719
licensed esthetics salon or practice of cosmetology in a 2720
licensed beauty salon for at least one thousand eight hundred 2721
hours; 2722

(2) Has a school ~~of cosmetology~~-licensed in this state 2723
certify to the board that the applicant has successfully 2724
completed at least five hundred hours of board-approved 2725
esthetics instructor training as an apprentice instructor. 2726

~~(F)~~ (G) In the case of an applicant for an initial hair 2727
design instructor license, holds a current, valid advanced ~~hair-~~ 2728
~~designer or advanced cosmetologist~~-license to practice hair 2729

design or cosmetology and does either of the following: 2730

(1) ~~Has the licensed advanced hair designer, licensed~~ 2731
~~advanced cosmetologist, or owner of the licensed hair design~~ 2732
~~salon or licensed beauty salon in which the applicant has been~~ 2733
~~employed certify to~~ Submits proof, as determined by the board, 2734
that the applicant has engaged in the practice of hair design in 2735
a licensed hair design salon or practice of cosmetology in a 2736
licensed beauty salon for at least one thousand eight hundred 2737
hours; 2738

(2) Has a school ~~of cosmetology~~ licensed in this state 2739
certify to the board that the applicant has successfully 2740
completed at least eight hundred hours of board-approved hair 2741
design ~~instructor's~~ instructor training as an apprentice 2742
instructor. 2743

~~(G)~~ (H) In the case of an applicant for an initial 2744
manicurist instructor license, holds a current, valid advanced 2745
~~manicurist or advanced cosmetologist~~ license to practice 2746
manicuring or cosmetology and does either of the following: 2747

(1) ~~Has the licensed advanced manicurist, licensed~~ 2748
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 2749
~~licensed beauty salon in which the applicant has been employed~~ 2750
~~certify to~~ Submits proof, as determined by the board, that the 2751
applicant has engaged in the practice of manicuring in a 2752
licensed nail salon or practice of cosmetology in a licensed 2753
beauty salon for at least one thousand eight hundred hours; 2754

(2) Has a school ~~of cosmetology~~ licensed in this state 2755
certify to the board that the applicant has successfully 2756
completed at least three hundred hours of board-approved 2757
manicurist instructor training as an apprentice instructor. 2758

~~(H)-(I)~~ In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license to practice natural hair styling or cosmetology and does either of the following:

(1) ~~Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to~~ Submits proof, as determined by the board, that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school ~~of cosmetology~~ licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

~~(I)-(J)~~ In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

(K) Pays to the board the applicable license fee.

Sec. 4713.34. (A) The state cosmetology and barber board shall issue a license to practice a branch of cosmetology or instructor license to an applicant who is licensed or registered in another state or country to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology, as appropriate, if ~~all of the following conditions are satisfied:~~

(A) The applicant satisfies all of the following	2788
conditions:	2789
(1) Is not less than eighteen years of age;	2790
(2) In the case of an applicant for a practicing license,	2791
passes an examination conducted under section 4713.24 of the	2792
Revised Code for the license the applicant seeks, unless the	2793
applicant satisfies conditions specified in rules adopted under	2794
section 4713.08 of the Revised Code for the board to issue the	2795
applicant a license without taking the examination;	2796
(3) Pays the applicable fee.	2797
(B) At the time the applicant obtained the license or	2798
registration in the other state or country, the requirements in	2799
this state for obtaining the license the applicant seeks were	2800
substantially equal to the other state or country's	2801
requirements.	2802
(C) The jurisdiction that issued the applicant's license	2803
or registration extends similar reciprocity to individuals	2804
holding a license issued by the board.	2805
Sec. 4713.35. An individual who holds a current, valid	2806
cosmetologist <u>license or an advanced cosmetologist license to</u>	2807
<u>practice cosmetology</u> issued by the state cosmetology and barber	2808
board may engage in the practice of one or more branches of	2809
cosmetology as the individual chooses in a licensed facility.	2810
An individual who holds a current, valid esthetician	2811
<u>license or an advanced esthetician license to practice esthetics</u>	2812
issued by the board may engage in the practice of esthetics but	2813
no other branch of cosmetology in a licensed facility.	2814
An individual who holds a current, valid hair designer	2815

license or an advanced hair designer license to practice hair 2816
design issued by the board may engage in the practice of hair 2817
design but no other branch of cosmetology in a licensed 2818
facility. 2819

An individual who holds a current, valid manicurist 2820
license or an advanced manicurist license to practice manicuring 2821
issued by the board may engage in the practice of manicuring but 2822
no other branch of cosmetology in a licensed facility. 2823

An individual who holds a current, valid natural hair 2824
stylist license or an advanced natural hair stylist license to 2825
practice natural hair styling issued by the board may engage in 2826
the practice of natural hair styling but no other branch of 2827
cosmetology in a licensed facility. 2828

An individual who holds a current, valid cosmetology 2829
instructor license issued by the board may teach the theory and 2830
practice of one or more branches of cosmetology at a school ~~of~~ 2831
~~cosmetology~~ as the individual chooses. 2832

An individual who holds a current, valid esthetics 2833
instructor license issued by the board may teach the theory and 2834
practice of esthetics, but no other branch of cosmetology, at a 2835
school ~~of cosmetology~~. 2836

An individual who holds a current, valid hair design 2837
instructor license issued by the board may teach the theory and 2838
practice of hair design, but no other branch of cosmetology, at 2839
a school ~~of cosmetology~~. 2840

An individual who holds a current, valid manicurist 2841
instructor license issued by the board may teach the theory and 2842
practice of manicuring, but no other branch of cosmetology, at a 2843
school ~~of cosmetology~~. 2844

An individual who holds a current, valid natural hair style instructor license issued by the board may teach the theory and practice of natural hair styling, but no other branch of cosmetology, at a school ~~of cosmetology~~.

An individual who holds a current, valid boutique services registration with the board may engage in the practice of boutique services but no other branch of cosmetology.

Sec. 4713.39. The state cosmetology and barber board shall issue a license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee; holds a current, valid license for the ~~type of salon in which the applicant will practice that branch of cosmetology~~ that the applicant practices; and satisfies the conditions for the license established by rules adopted under section 4713.08 of the Revised Code.

Sec. 4713.41. The state cosmetology and barber board shall issue a license to operate a salon, including a boutique salon, to an applicant who pays the applicable fee and affirms that all of the following conditions will be met:

(A) (1) An individual holding a current, valid cosmetologist license or boutique services registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A) (2) of this section.

(2) A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have present an individual holding a current, valid license or registration

to practice in that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours.

(B) The salon is equipped to do all of the following:

(1) Provide potable running hot and cold water and proper drainage;

(2) ~~Sanitize~~Disinfect all instruments and supplies used in the branch of cosmetology provided at the salon;

(3) If cosmetic therapy, massage therapy, or other professional service is provided at the salon under section 4713.42 of the Revised Code, ~~sanitize~~disinfect all instruments and supplies used in the cosmetic therapy, massage therapy, or other professional service.

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon.

(D) The salon is kept in a clean and sanitary condition and properly ventilated.

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code.

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board ~~of cosmetology~~, is posted at the salon in a common area for all customers of salon services.

Sec. 4713.44. (A) The state cosmetology and barber board shall issue a license to operate a school to an applicant who satisfies all of the following requirements:

- (1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology or barbering to be taught at the school equal to the requirements for admission to an examination under section 4709.07 or 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology or barbering; 2902
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- (2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 2909
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- (3) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 2912
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- (4) In the case of a school that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student; 2917
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- (5) Except as provided in division (C) (2) of this section, files with the board a good and sufficient surety bond executed by the individual, firm, or corporation operating the school as principal and by a surety company as surety in the amount of ten thousand dollars; 2921
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- (6) Establishes and maintains an internal procedure for processing complaints filed against the school and for providing students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code; 2926
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2929
- (7) Complies with the requirements of division (B) of this 2930

section if the school offers instruction in theory and practice 2931
of one or more branches of cosmetology; 2932

(8) Complies with the requirements of section 4709.10 of 2933
the Revised Code if the school offers instruction in the theory 2934
and practice of barbering; 2935

(9) Pays the licensure fee. 2936

(B) If the school for which an applicant is applying for a 2937
license under division (A) of this section offers instruction in 2938
the theory and practice of one or more branches of cosmetology, 2939
the applicant shall do all of the following to be issued the 2940
license: 2941

(1) Maintain individuals licensed under section 4713.31 or 2942
4713.34 of the Revised Code to teach the theory and practice of 2943
the branch or branches of cosmetology offered at the school; 2944

(2) On the date that an apprentice cosmetology instructor 2945
begins cosmetology instructor training at the school, certify 2946
the name of the apprentice cosmetology instructor to the board 2947
along with the date on which the apprentice's instructor 2948
training began; 2949

(3) Instruct not more than six apprentice cosmetology 2950
instructors at any one time. 2951

(C) (1) The bond required under division (A) (5) of this 2952
section shall be in the form prescribed by the board and be 2953
conditioned on the school's continued instruction in the theory 2954
and practice of one or more branches of cosmetology or 2955
barbering. The bond shall continue in effect until notice of its 2956
termination is given to the board by registered mail and every 2957
bond shall so provide. 2958

(2) The requirement under division (A) (5) of this section does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district. 2959
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(D) A school licensed under this section is an educational institution and is authorized to offer educational programs beyond secondary education, advanced practice programs, or both in accordance with rules adopted by the board pursuant to section 4713.08 of the Revised Code. 2963
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(E) A school license issued to an applicant under division (A) of this section is not transferable from one owner to another or from one location to another. 2968
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Sec. 4713.45. (A) A school may do any of the following: 2971

(1) In accordance with rules adopted under section 4713.08 of the Revised Code, a school may offer clock hours, credit hours, or competency-based credits for the purpose of satisfying minimum hours of training and instruction; 2972
2973
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2975

(2) Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor or barber instructor license to teach subjects related to a branch of cosmetology or barbering; 2976
2977
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(3) If the school offers instruction in the theory and practice of one or more branches of cosmetology, both of the following: 2980
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2982

(a) Allow an apprentice cosmetology instructor the regular quota of students prescribed by the state cosmetology and barber board if a cosmetology instructor is present; 2983
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2985

(b) Compensate an apprentice cosmetology instructor. 2986

(4) If the school offers instruction in the theory and practice of barbering, establish entrance requirements for the acceptance of student applicants that are more stringent than those prescribed by the board under division (A)(20) of section 4713.08 of the Revised Code, but at a minimum require an applicant to meet both of the following: 2987
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2989
2990
2991
2992

(a) Be at least sixteen years of age; 2993

(b) Have an eighth grade education, or an equivalent education as determined by the state board of education. 2994
2995

(B) A school shall have a licensed cosmetology or barber instructor present when an individual employed pursuant to division (A)(2) of this section teaches at the school, unless the individual is one of the following: 2996
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2998
2999

(1) An individual with a current, valid teacher's certificate or educator license issued by the state board of education; 3000
3001
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(2) An individual with a bachelor's degree in the subject the individual teaches at the school; 3003
3004

(3) An individual also employed by a university or college to teach the subject the individual teaches at the school. 3005
3006

(C) A school annually shall review the subjects and coursework required to receive an initial practicing, advanced, or barber license and, in doing so, shall incorporate standards adopted by the board pursuant to division (A)(13) of section 4713.08 of the Revised Code. 3007
3008
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3010
3011

Sec. 4713.46. A student who is injured or damaged by 3012
reason of the failure of a school ~~of cosmetology~~ to continue 3013
instruction in the theory and practice of a branch of 3014

cosmetology or barbering may maintain an action on the bond 3015
against the school, or surety named therein, or both of them, 3016
for the recovery of any money or tuition paid in advance for 3017
instruction in the theory and practice of a branch of 3018
cosmetology or barbering that was not received. The aggregate 3019
liability of the surety to all students shall not exceed the sum 3020
of the bond. 3021

Sec. 4713.49. The owner or manager of a salon or school 3022
that has a permit issued under section 4713.48 of the Revised 3023
Code may operate a tanning facility at the salon or school. 3024

Sec. 4713.55. Every license issued by the state 3025
cosmetology and barber board shall be signed by the chairperson 3026
and attested by the executive director of the board, with the 3027
seal of the board attached. 3028

The board shall specify on each practicing and advanced 3029
license that the board issues the branch of cosmetology that the 3030
license entitles the holder to practice. ~~The board shall specify~~ 3031
~~on each advanced license that the board issues the type of salon~~ 3032
~~in which the license entitles the holder to work and the branch~~ 3033
~~of cosmetology that the license entitles the holder to practice.~~ 3034
The board shall specify on each instructor license that the 3035
board issues the branch of cosmetology that the license entitles 3036
the holder to teach. The board shall specify on each salon 3037
license that the board issues the branch of cosmetology that the 3038
license entitles the holder to offer. The board shall specify on 3039
each independent contractor license that the board issues that 3040
the holder is entitled to practice only the branch of 3041
cosmetology ~~that the~~ for which a current, valid license entitles 3042
~~the holder to offer is held~~ within a licensed salon. Such 3043
licenses are prima-facie evidence of the right of the holder to 3044

practice or teach the branch of cosmetology that the license 3045
specifies. 3046

Sec. 4713.56. Every holder of a practicing license, 3047
advanced license, instructor license, independent contractor 3048
license, or boutique service registration issued by the state 3049
cosmetology and barber board shall maintain the board-issued, 3050
wallet-sized license or electronically generated license 3051
certification or registration and a current government-issued 3052
photo identification that can be produced upon inspection or 3053
request. 3054

Every holder of a license to operate a salon issued by the 3055
board shall display the license in a public and conspicuous 3056
place in the salon. 3057

Every holder of a license to operate a school ~~of~~ 3058
~~cosmetology~~ issued by the board shall display the license in a 3059
public and conspicuous place in the school. 3060

Every individual who provides massage therapy or other 3061
professional service in a salon under section 4713.42 of the 3062
Revised Code shall maintain the individual's professional 3063
license or certificate or electronically generated license 3064
certification or registration and a state of Ohio issued photo 3065
identification that can be produced upon inspection or request. 3066

Sec. 4713.58. (A) Except as provided in division (B) of 3067
this section, on payment of the renewal fee and ~~submission of~~ 3068
~~proof satisfactory attestation~~ to the state cosmetology and 3069
barber board that any applicable continuing education 3070
requirements have been completed, an individual currently 3071
licensed as: 3072

(1) A cosmetology instructor who has previously been 3073

~~licensed as issued a practicing cosmetologist license~~ or an 3074
advanced ~~cosmetologist license to practice cosmetology~~, is 3075
entitled to the reissuance of a ~~cosmetologist the practicing or~~ 3076
advanced cosmetologist license; 3077

(2) An esthetics instructor who has previously been 3078
~~licensed as an issued a practicing esthetician license~~ or an 3079
advanced ~~esthetician license to practice esthetics~~, is entitled 3080
to the reissuance of an ~~esthetician the practicing or~~ advanced 3081
esthetician license; 3082

(3) A hair design instructor who has previously been 3083
~~licensed as issued a practicing hair designer license~~ or an 3084
advanced ~~hair designer license to practice hair design~~, is 3085
entitled to the reissuance of a ~~hair designer the practicing or~~ 3086
advanced hair designer license; 3087

(4) A manicurist instructor who has previously been 3088
~~licensed as issued a practicing manicurist license~~ or an 3089
advanced ~~manicurist license to practice manicuring~~, is entitled 3090
to the reissuance of a ~~manicurist the practicing or~~ advanced 3091
manicurist license; 3092

(5) A natural hair style instructor who has previously 3093
been ~~licensed as issued a practicing natural hair stylist~~ 3094
~~license~~ or an advanced ~~natural hair stylist license to practice~~ 3095
~~natural hair styling~~, is entitled to the reissuance of a ~~natural~~ 3096
~~hair stylist the practicing or~~ advanced natural hair stylist 3097
license. 3098

(B) No individual is entitled to the reissuance of a 3099
license under division (A) of this section if the license was 3100
revoked or suspended or the individual has an outstanding unpaid 3101
fine levied under section 4713.64 of the Revised Code. 3102

Sec. 4713.59. If the state cosmetology and barber board 3103
adopts rules under section 4713.09 of the Revised Code to 3104
establish a continuing education requirement as a condition of 3105
renewal for a practicing license, advanced license, ~~or~~ 3106
instructor license, or boutique services registration, the board 3107
shall inform each affected licensee or registrant of the 3108
continuing education requirement that applies to the next 3109
biennial licensing period by including that information in the 3110
renewal notification it sends the licensee or registrant. The 3111
notification shall state that the licensee or registrant must 3112
complete the continuing education requirement by the fifteenth 3113
day of January of the next odd-numbered year. 3114

Hours completed in excess of the continuing education 3115
requirement may not be applied to the next biennial licensing 3116
period. 3117

Sec. 4713.60. (A) Except as provided in division ~~(C)~~ (B) 3118
of this section, an individual seeking a renewal of a license to 3119
practice a branch of cosmetology, advanced license, instructor 3120
license, or boutique services registration shall ~~include~~ attest 3121
in the renewal application ~~proof satisfactory~~ to the ~~board of~~ 3122
completion of any applicable continuing education requirements 3123
established by rules adopted under section 4713.09 of the 3124
Revised Code. 3125

~~(B) If an applicant fails to provide satisfactory proof of~~ 3126
~~completion of any applicable continuing education requirements,~~ 3127
~~the board shall notify the applicant that the application is~~ 3128
~~incomplete. The board shall not renew the license or~~ 3129
~~registration until the applicant provides satisfactory proof of~~ 3130
~~completion of any applicable continuing education requirements.~~ 3131
~~The board may provide the applicant with an extension of up to~~ 3132

~~ninety days in which to complete the continuing education- 3133
requirement. In providing for the extension, the board may- 3134
charge the licensee or registrant a fine of up to one hundred- 3135
dollars. 3136~~

~~(C) The state cosmetology and barber board may waive, or 3137
extend the period for completing, any continuing education 3138
requirement if a licensee or registrant applies to the board and 3139
provides proof satisfactory to the board of being unable to 3140
complete the requirement within the time allowed because of any 3141
of the following: 3142~~

~~(1) An emergency; 3143~~

~~(2) An unusual or prolonged illness; 3144~~

~~(3) Active duty service in any branch of the armed forces 3145
of the United States or a reserve component of the armed forces 3146
of the United States, including the Ohio national guard or the 3147
national guard of any other state. 3148~~

~~The board shall determine the period of time during which 3149
each extension is effective and shall inform the applicant. The 3150
board shall also inform the applicant of the continuing 3151
education requirements that must be met to have the license or 3152
registration renewed. If an extension is granted for less than 3153
one year, the continuing education requirement for that year, in 3154
addition to the required continuing education for the succeeding 3155
year, must be completed in the succeeding year. In all other 3156
cases the board may waive all or part of the continuing 3157
education requirement on a case-by-case basis. Any required 3158
continuing education shall be completed ~~and satisfactory proof-~~ 3159
~~of its completion submitted to the board by a date specified by~~ 3160
the board. Every license or registration that has not been 3161~~

renewed in the timeframe specified in section 4713.57 of the Revised Code and for which the continuing education requirement has not been waived or extended shall be considered expired.

Sec. 4713.61. (A) If the state cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until ~~the later of the following:~~

~~(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;~~

~~(2) The last day of January of the next odd numbered year following the year the license is classified inactive.~~

~~(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.~~

Sec. 4713.62. (A) An individual holding a practicing 3191
license, advanced license, instructor license, or boutique 3192
services registration may satisfy a continuing education 3193
requirement established by rules adopted under section 4713.09 3194
of the Revised Code only by completing continuing education 3195
programs approved under division (B) of this section. 3196

(B) The state cosmetology and barber board shall approve a 3197
continuing education program if all of the following conditions 3198
are satisfied: 3199

(1) The person operating the program submits to the board 3200
a written application for approval. 3201

(2) The person operating the program pays to the board a 3202
fee established by rules adopted under section 4713.08 of the 3203
Revised Code. 3204

(3) The program is operated by an employee, officer, or 3205
director of a nonprofit professional association, college or 3206
university, proprietary continuing education institutions 3207
providing programs approved by the board, vocational school, 3208
postsecondary proprietary school ~~of cosmetology~~ licensed by the 3209
board, salon licensed by the board, barber shop licensed by the 3210
board under section 4709.09 of the Revised Code, or manufacturer 3211
of supplies or equipment used in the practice of a branch of 3212
cosmetology or barbering. 3213

(4) The program will do at least one of the following: 3214

(a) Enhance the professional competency of the affected 3215
licensees or registrants; 3216

(b) Protect the public; 3217

(c) Educate the affected licensees or registrants in the 3218

application of the laws and rules regulating the practice of a 3219
branch of cosmetology or barbering. 3220

(5) The person operating the program provides the board a 3221
tentative schedule of when the program will be available so that 3222
the board can make the schedule readily available to all 3223
licensees and registrants throughout the state. 3224

Sec. 4713.63. A practicing license, advanced license, or 3225
instructor license that has not been renewed for any reason 3226
other than because it has been revoked, suspended, or classified 3227
inactive, or because the license holder has been given a waiver 3228
or extension under section 4713.60 of the Revised Code, is 3229
expired. An expired license may be restored if the individual 3230
who held the license meets ~~all both~~ of the following applicable 3231
conditions: 3232

(A) Pays to the state cosmetology and barber board the 3233
restoration fee established under section 4713.10 of the Revised 3234
Code; 3235

(B) In the case of a practicing license or advanced 3236
license ~~that has been expired for more than two consecutive~~ 3237
~~license renewal periods, completes eight hours of the~~ continuing 3238
education ~~for each license renewal period that has elapsed since~~ 3239
~~the license was last issued or renewed, up to a maximum of~~ 3240
~~twenty four hours~~ requirement for renewal of a license 3241
established by the board in the rules adopted under section 3242
4713.09 of the Revised Code. 3243

~~At least four of those hours shall include a course~~ 3244
~~pertaining to sanitation and safety methods.~~ 3245

~~The board shall deposit all fees it receives under~~ 3246
~~division (B) of this section into the general revenue fund.~~ 3247

Sec. 4713.64. (A) The state cosmetology and barber board	3248
may take disciplinary action under this chapter for any of the	3249
following:	3250
(1) Failure to comply with the safety, sanitation	3251
<u>infection control</u> , and licensing requirements of this chapter or	3252
rules adopted under it;	3253
(2) Continued practice by an individual knowingly having	3254
an infectious or contagious disease;	3255
(3) Habitual drunkenness or addiction to any habit-forming	3256
drug;	3257
(4) Willful false and fraudulent or deceptive advertising;	3258
(5) Falsification of any record or application required to	3259
be filed with the board;	3260
(6) Failure to pay a fine or abide by a suspension order	3261
issued by the board;	3262
(7) Failure to cooperate with an investigation or	3263
inspection;	3264
(8) Failure to respond to a subpoena;	3265
(9) Conviction of or plea of guilty to a violation of	3266
section 2905.32 of the Revised Code;	3267
(10) In the case of a salon, any individual's conviction	3268
of or plea of guilty to a violation of section 2905.32 of the	3269
Revised Code for an activity that took place on the premises of	3270
the salon.	3271
(B) On determining that there is cause for disciplinary	3272
action, the board may do one or more of the following:	3273
(1) Deny, revoke, or suspend , <u>or impose conditions on a</u>	3274

license, permit, or registration issued by the board under this 3275
chapter; 3276

(2) Impose a fine; 3277

(3) Require the holder of a license, permit, or 3278
registration issued under this chapter to take corrective action 3279
courses. 3280

(C) (1) Except as provided in divisions (C) (2) and (3) of 3281
this section, the board shall take disciplinary action pursuant 3282
to an adjudication under Chapter 119. of the Revised Code. 3283

(2) The board may take disciplinary action without 3284
conducting an adjudication under Chapter 119. of the Revised 3285
Code against an individual who or salon ~~who~~ that violates 3286
division (A) (9) or (10) of this section. After the board takes 3287
such disciplinary action, the board shall give written notice to 3288
the subject of the disciplinary action of the right to request a 3289
hearing under Chapter 119. of the Revised Code. 3290

(3) In lieu of an adjudication, the board may enter into a 3291
consent agreement with the holder of a license, permit, or 3292
registration issued under this chapter. A consent agreement that 3293
is ratified by a majority vote of a quorum of the board members 3294
is considered to constitute the findings and orders of the board 3295
with respect to the matter addressed in the agreement. If the 3296
board does not ratify a consent agreement, the admissions and 3297
findings contained in the agreement are of no effect, and the 3298
case shall be scheduled for adjudication under Chapter 119. of 3299
the Revised Code. 3300

(D) The amount and content of corrective action courses 3301
and other relevant criteria shall be established by the board in 3302
rules adopted under section 4713.08 of the Revised Code. 3303

(E) (1) The board may impose a separate fine for each 3304
offense listed in division (A) of this section. The amount of 3305
the first fine issued for a violation as the result of an 3306
inspection shall be not more than two hundred fifty dollars if 3307
the violator has not previously been fined for that offense. Any 3308
fines issued for additional violations during such an inspection 3309
shall not be more than one hundred dollars for each additional 3310
violation. The fine shall be not more than five hundred dollars 3311
if the violator has been fined for the same offense once before. 3312
Any fines issued for additional violations during a second 3313
inspection shall not be more than two hundred dollars for each 3314
additional violation. The fine shall be not more than one 3315
thousand dollars if the violator has been fined for the same 3316
offense two or more times before. Any fines issued for 3317
additional violations during a third inspection shall not be 3318
more than three hundred dollars for each additional violation. 3319

(2) The board shall issue an order notifying a violator of 3320
a fine imposed under division (E) (1) of this section. The notice 3321
shall specify the date by which the fine is to be paid. The date 3322
shall be less than forty-five days after the board issues the 3323
order. 3324

(3) At the request of a violator who is temporarily unable 3325
to pay a fine, or upon its own motion, the board may extend the 3326
time period within which the violator shall pay the fine up to 3327
ninety days after the date the board issues the order. 3328

~~(4) If a violator fails to pay a fine by the date 3329
specified in the board's order and does not request an extension 3330
within ten days after the date the board issues the order, or if 3331
the violator fails to pay the fine within the extended time 3332
period as described in division (E) (3) of this section, the 3333~~

~~board shall add to the fine an additional penalty equal to ten- 3334
per cent of the fine. 3335~~

~~(5) If a violator fails to pay a fine within ninety days- 3336
after the board issues the order, the board shall add to the 3337
fine interest at a rate specified by the board in rules adopted- 3338
under section 4713.08 of the Revised Code. 3339~~

~~(6) If the fine, including any interest or additional- 3340
penalty, remains unpaid on the ninety-first day after the board 3341
issues an order under division (E) (2) of this section, the 3342
amount of the fine and any interest or additional penalty shall 3343
be certified to the attorney general for collection in the form 3344
and manner prescribed by the attorney general. The attorney 3345
general may assess the collection cost to the amount certified 3346
in such a manner and amount as prescribed by the attorney 3347
general. 3348~~

(F) In the case of an offense of failure to comply with 3349
division (A) or (B) (2) or (3) of section 4713.50 of the Revised 3350
Code, the board shall impose a fine of five hundred dollars if 3351
the violator has not previously been fined for that offense. If 3352
the violator has previously been fined for the offense, the 3353
board may impose a fine in accordance with this division or take 3354
another action in accordance with division (B) of this section. 3355

(G) The board shall notify a licensee or registrant who is 3356
in violation of division (A) of this section and the owner of 3357
the salon in which the conditions constituting the violation 3358
were found. The individual receiving the notice of violation and 3359
the owner of the salon may request a hearing pursuant to section 3360
119.07 of the Revised Code. If the individual or owner fails to 3361
request a hearing or enter into a consent agreement thirty days 3362
after the date the board, in accordance with section 119.07 of 3363

the Revised Code and division (J) of this section, notifies the 3364
individual or owner of the board's intent to act against the 3365
individual or owner under division (A) of this section, the 3366
board by a majority vote of a quorum of the board members may 3367
take the action against the individual or owner without holding 3368
an adjudication hearing. 3369

(H) The board, after a hearing in accordance with Chapter 3370
119. of the Revised Code or pursuant to a consent agreement, may 3371
suspend a license, permit, or registration if the licensee, 3372
permit holder, or registrant fails to correct an unsafe 3373
condition that exists in violation of the board's rules or fails 3374
to cooperate in an inspection. If a violation of this chapter or 3375
rules adopted under it has resulted in a condition reasonably 3376
believed by an inspector to create an immediate danger to the 3377
health and safety of any individual using the facility, the 3378
inspector may suspend the license or permit of the facility or 3379
the individual responsible for the violation without a prior 3380
hearing until the condition is corrected or until a hearing in 3381
accordance with Chapter 119. of the Revised Code is held or a 3382
consent agreement is entered into and the board either upholds 3383
the suspension or reinstates the license, permit, or 3384
registration. 3385

(I) The board shall not take disciplinary action against 3386
~~an individual~~ a person licensed to operate a salon or school ~~of~~ 3387
~~cosmetology~~ for a violation of this chapter that was committed 3388
by an individual licensed to practice a branch of cosmetology or 3389
barbering, while practicing within the salon or school, when the 3390
individual's actions were beyond the control of the salon owner 3391
or school. 3392

(J) In addition to the methods of notification required 3393

under section 119.07 of the Revised Code, the board may send the notices required under divisions (C) (2), (E) (2), and (G) of this section by any delivery method that is traceable and requires that the delivery person obtain a signature to verify that the notice has been delivered. The board also may send the notices by electronic mail, provided that the electronic mail delivery system certifies that a notice has been received.

Sec. 4713.641. Any ~~student or former student of a school of cosmetology licensed under division (A) of section 4713.44 of the Revised Code~~ individual may file a complaint with the state cosmetology and barber board alleging that ~~the~~ an individual, salon, barber shop, school, or tanning facility has violated ~~division (A) of section 4713.64 this chapter or Chapter 4709. of the Revised Code~~ or rules adopted under either chapter. ~~The complaint shall be in writing and signed by the individual bringing the complaint.~~ Upon receiving a complaint, the board shall initiate a preliminary investigation to determine whether it is probable that a violation was committed. If the board determines after preliminary investigation that it is not probable that a violation was committed, the board shall notify the individual who filed the complaint of the board's findings and that the board will not ~~issue a pursue formal complaint action~~ in the matter. If the board determines after a preliminary investigation that it is probable that a violation was committed, the board ~~shall~~ may proceed against the individual, salon, barber shop, school, or tanning facility pursuant to the board's authority under section 4709.13 or 4713.64 of the Revised Code and in accordance with the hearing and notice requirements prescribed in Chapter 119. of the Revised Code.

Sec. 4713.66. ~~(A)~~ The state cosmetology and barber board,

on its own motion or on receipt of a ~~written~~ complaint, may 3425
investigate or inspect the activities or premises of an 3426
individual or entity who is alleged to have violated this 3427
chapter or Chapter 4709. of the Revised Code or rules adopted 3428
under ~~it~~either chapter, regardless of whether the individual or 3429
entity holds a license ~~or, registration, or permit~~ issued under 3430
this chapter or Chapter 4709. of the Revised Code. 3431

~~(B) If, based on its investigation, the board determines~~ 3432
~~that there is reasonable cause to believe that an individual or~~ 3433
~~entity has violated this chapter or rules adopted under it, the~~ 3434
~~board shall afford the individual or entity an opportunity for a~~ 3435
~~hearing. Notice shall be given and any hearing conducted in~~ 3436
~~accordance with Chapter 119. of the Revised Code.~~ 3437

~~(C) The board shall maintain a transcript of the hearing~~ 3438
~~and issue a written opinion to all parties, citing its findings~~ 3439
~~and ground for any action it takes. Any action shall be taken in~~ 3440
~~accordance with section 4713.64 of the Revised Code.~~ 3441

Sec. 4713.69. (A) The state cosmetology and barber board 3442
shall issue a boutique services registration to an applicant who 3443
satisfies all of the following applicable conditions: 3444

(1) Is at least sixteen years of age; 3445

(2) ~~Has the equivalent of an Ohio public school tenth-~~ 3446
~~grade education;~~ 3447

~~(3)~~ Has submitted a written application on a form 3448
prescribed by the board containing all of the following: 3449

(a) The applicant's name and home address; 3450

(b) The applicant's home telephone number and cellular 3451
telephone number, if any; 3452

(c) The applicant's electronic mail address, if any; 3453

(d) The applicant's date of birth; 3454

(e) ~~The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.~~ 3455
3456
3457

~~(f)~~ Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state; 3458
3459
3460
3461

~~(g)~~ (f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state; 3462
3463
3464

~~(h)~~ (g) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 3465
3466
3467

(B) ~~The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.~~ 3468
3469
3470
3471

~~(C)~~ The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 3472
3473
3474

Sec. 4713.99. Whoever violates section 4713.14 of the Revised Code ~~is guilty of a misdemeanor of the fourth degree on~~ 3475
shall be fined not less than one hundred nor more than five 3476
hundred dollars for a first offense; on for each subsequent 3477
offense violation of the same provision, such individual is 3478
guilty of a misdemeanor of the third degree shall be fined not 3479
3480

less than five hundred nor more than one thousand dollars. 3481

Section 2. That existing sections 2925.01, 3333.26, 3482
4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 3483
4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 3484
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 3485
4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 3486
4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 3487
4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 3488
4713.69, and 4713.99 of the Revised Code are hereby repealed. 3489

Section 3. That sections 4709.02, 4709.03, 4709.05, 3490
4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 3491
4713.45 of the Revised Code are hereby repealed. 3492

Section 4. That the versions of sections 4709.07, 4709.08, 3493
4713.10, 4713.28, 4713.30, 4713.31, 4713.34, and 4713.69 of the 3494
Revised Code that are scheduled to take effect December 29, 3495
2023, be amended to read as follows: 3496

Sec. 4709.07. (A) Each ~~person individual~~ who desires to 3497
~~obtain an initial license to practice barbering shall apply to~~ 3498
~~the state cosmetology and barber board, on forms provided by the~~ 3499
~~board. The application form shall include the name of the person~~ 3500
~~applying for the license and evidence that the applicant meets~~ 3501
~~all of the requirements of division (B) of this section. The~~ 3502
~~application shall be accompanied by the examination application~~ 3503
~~fee.~~ 3504

~~(B) In order~~ applies to take the required barber 3505
examination ~~and to qualify for licensure as a barber, an~~ 3506
~~applicant must~~ shall demonstrate that the ~~applicant individual~~ 3507
meets all of the following: 3508

(1) Is at least ~~eighteen~~ sixteen years of age; 3509

(2) Has an eighth grade education or an equivalent 3510
education as determined by the state board of education in the 3511
state where the applicant resides; 3512

(3) Has submitted a written application on a form 3513
furnished by the board that contains all of the following: 3514

(a) The name of the individual and any other identifying 3515
information required by the board; 3516

(b) A photocopy of the individual's current driver's 3517
license or other proof of legal residence; 3518

(c) An oath verifying that the information in the 3519
application is true. 3520

(4) Notwithstanding section 4798.05 of the Revised Code, 3521
submits to having a photograph and biometric fingerprint scan 3522
taken by the board; 3523

(5) Has graduated with at least one thousand eight hundred 3524
hours of board-approved training from a board-approved barber- 3525
school or has graduated with at least one thousand hours of 3526
board-approved training from a board-approved barber school in- 3527
this state and has a current cosmetology or hair designer 3528
license issued pursuant to Chapter 4713. of the Revised Code. No 3529
hours of instruction earned by an applicant five or more years 3530
prior to the examination apply to the hours of study required by 3531
this division; 3532

(6) Has paid the application fee. 3533

(B) The board shall issue a barber license to an applicant 3534
who passes the examination and pays the license fee. 3535

(C) Any applicant who meets all of the requirements of 3536
divisions (A) and (B) of this section may take the barber- 3537

~~examination at the time and place specified by the board. If the~~ 3538
~~an applicant fails to attain at least a seventy-five per cent-~~ 3539
~~pass rate on each any part of the examination, the applicant is~~ 3540
~~ineligible for licensure; however, the applicant may reapply for~~ 3541
~~examination within ninety days after the date of the release of~~ 3542
~~the examination scores by paying and pay the required~~ 3543
~~reexamination fee. An applicant is only required to take that~~ 3544
~~part or parts of the examination on which that the applicant did~~ 3545
~~not receive a score of seventy-five per cent or higher pass. If-~~ 3546
~~the applicant fails to reapply for examination within ninety-~~ 3547
~~days or fails the second examination, in order to reapply for-~~ 3548
~~examination for licensure the applicant shall complete an-~~ 3549
~~additional course of study of not less than two hundred hours,-~~ 3550
~~in a board approved barber school. The board shall provide to an~~ 3551
~~applicant, upon request, a report which explains the reasons for~~ 3552
~~the applicant's failure to pass the examination.~~ 3553

(D) ~~The board shall issue a license to practice barbering-~~ 3554
~~to any applicant who, to the satisfaction of the board, meets-~~ 3555
~~the requirements of divisions (A) and (B) of this section, who-~~ 3556
~~passes the required examination, and pays the initial licensure-~~ 3557
~~fee. Every licensed barber shall display maintain the~~ 3558
~~certificate of licensure in a conspicuous place adjacent to or-~~ 3559
~~near the licensed barber's work chair~~board-issued, wallet-sized 3560
license or electronically generated license certification and a 3561
current government-issued photo identification that can be 3562
produced on inspection or request. 3563

(E) The board shall issue a license to practice barbering 3564
in accordance with Chapter 4796. of the Revised Code to an 3565
applicant if either of the following applies: 3566

(1) The applicant holds a license to practice barbering in 3567

another state. 3568

(2) The applicant has satisfactory work experience, a 3569
government certification, or a private certification as 3570
described in that chapter as a barber in a state that does not 3571
issue that license. 3572

Sec. 4709.08. ~~(A) Any person~~ individual who holds a 3573
current license or registration to practice as a barber or teach 3574
the theory and practice of barbering in any other country whose 3575
requirements for licensure or registration of barbers, barber 3576
instructors, or assistant barber instructors are substantially 3577
equivalent to the requirements of this chapter and rules adopted 3578
under it ~~and that extends similar reciprocity to persons~~ 3579
~~licensed as barbers in this state~~ may apply to the state 3580
cosmetology and barber board for a barber, barber instructor, or 3581
assistant barber instructor license. 3582

~~(B) The board shall, without examination, unless the board~~ 3583
~~determines to require an examination,~~ issue a license to 3584
~~practice as a licensed barber in this state if the person~~ an 3585
applicant who meets all of the following requirements of this 3586
section, is: 3587

(1) Is at least eighteen years of age, and pays; 3588

(2) In the case of an applicant for a barber license, 3589
passes an examination conducted under section 4709.07 of the 3590
Revised Code, unless the applicant satisfies conditions 3591
specified in rules adopted under section 4709.05 of the Revised 3592
Code for the board to issue the applicant a license without 3593
taking the examination; 3594

(3) Pays the required fees. ~~The board may waive any of the~~ 3595
~~requirements of this section.~~ 3596

Sec. 4713.10. (A) The state cosmetology and barber board	3597
shall charge and collect the following <u>nonrefundable</u> fees:	3598
(1) For a temporary pre-examination work permit under	3599
section 4713.22 of the Revised Code, not more than fifteen	3600
dollars;	3601
(2) For initial application to take an examination under	3602
section 4713.24 of the Revised Code, not more than forty	3603
dollars;	3604
(3) For application to take an examination under section	3605
4713.24 of the Revised Code by an applicant who has previously	3606
applied to take, but failed to appear for, the examination, not	3607
more than fifty-five dollars;	3608
(4) For application to re-take an examination under	3609
section 4713.24 of the Revised Code by an applicant who has	3610
previously appeared for, but failed to pass, the examination,	3611
not more than forty dollars;	3612
(5) For the issuance of a license by examination under	3613
section 4713.28, 4713.30, or 4713.31 of the Revised Code, not	3614
more than seventy-five dollars;	3615
(6) For the issuance of a license under section 4713.34 of	3616
the Revised Code, not more than seventy dollars;	3617
(7) For renewal of a license issued under section 4713.28,	3618
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	3619
seventy dollars;	3620
(8) For the issuance or renewal of a cosmetology school	3621
license, <u>or the change of name or ownership of a licensed</u>	3622
<u>school</u> , not more than two hundred fifty dollars;	3623
(9) For the issuance of a new salon license or the change	3624

of name or ownership of a salon license under section 4713.41 of 3625
the Revised Code, not more than one hundred dollars; 3626

(10) For the renewal of a salon license under section 3627
4713.41 of the Revised Code, not more than ninety dollars; 3628

(11) For the restoration of an expired license that may be 3629
restored pursuant to section 4713.63 of the Revised Code, an 3630
amount equal to the sum of the current license renewal fee and a 3631
lapsed renewal fee of not more than forty-five dollars per 3632
license renewal period that has elapsed since the license was 3633
last issued or renewed for up to three license renewal periods; 3634

(12) For the issuance of a duplicate ~~of any salon license,~~ 3635
school license, or tanning facility permit, not more than thirty 3636
dollars; 3637

(13) For the preparation and mailing of a licensee's 3638
records to another state for a reciprocity license, not more 3639
than fifty dollars; 3640

(14) For the processing of any fees related to a check 3641
from a licensee returned to the board for insufficient funds, an 3642
additional thirty dollars. 3643

(B) The board shall adjust the fees biennially, by rule, 3644
within the limits established by division (A) of this section, 3645
to provide sufficient revenues to meet its expenses. 3646

(C) The board may ~~establish an installment plan for the~~ 3647
~~payment of fines and fees and may reduce fees as considered~~ 3648
appropriate by the board. 3649

(D) At the request of a person who is temporarily unable 3650
to pay a fee imposed under division (A) of this section, or on 3651
its own motion, the board may extend the date payment is due by 3652

up to ninety days. If the fee remains unpaid after the date 3653
payment is due, the amount of the fee shall be certified to the 3654
attorney general for collection in the form and manner 3655
prescribed by the attorney general. The attorney general may 3656
assess the collection cost to the amount certified in such a 3657
manner and amount as prescribed by the attorney general. 3658

Sec. 4713.28. (A) ~~The~~ Except as provided in division (C) 3659
of this section, the state cosmetology and barber board shall 3660
issue a practicing license to an applicant who satisfies all of 3661
the following applicable conditions: 3662

(1) Is at least sixteen years of age; 3663

(2) Has the equivalent of an Ohio public school tenth 3664
grade education; 3665

(3) Has submitted a written application on a form 3666
furnished by the board that contains all of the following: 3667

(a) The name of the individual and any other identifying 3668
information required by the board; 3669

(b) A photocopy of the individual's current driver's 3670
license or other proof of legal residence; 3671

(c) Proof that the individual is qualified to take the 3672
applicable examination as required by section 4713.20 of the 3673
Revised Code; 3674

(d) An oath verifying that the information in the 3675
application is true; 3676

(e) The applicable application fee. 3677

(4) Notwithstanding section 4798.05 of the Revised Code, 3678
submits to having a photograph taken by the board; 3679

(5) Passes an examination conducted under division (A) of 3680
section 4713.24 of the Revised Code for the branch of 3681
cosmetology the applicant seeks to practice; 3682

~~(5)~~ (6) Pays to the board the applicable license fee; 3683

~~(6)~~ (7) In the case of an applicant for an initial 3684
cosmetologist license, has successfully completed at least one 3685
thousand five hundred hours of board-approved cosmetology 3686
training in a school ~~of cosmetology licensed in this state,~~ 3687
except that only one thousand hours of board-approved 3688
cosmetology training in a school ~~of cosmetology licensed in this-~~ 3689
~~state~~ is required of an individual licensed as a barber under 3690
Chapter 4709. of the Revised Code; 3691

~~(7)~~ (8) In the case of an applicant for an initial 3692
esthetician license, has successfully completed at least six 3693
hundred hours of board-approved esthetics training in a school 3694
~~of cosmetology licensed in this state;~~ 3695

~~(8)~~ (9) In the case of an applicant for an initial hair 3696
designer license, has successfully completed at least one 3697
thousand two hundred hours of board-approved hair designer 3698
training in a school ~~of cosmetology licensed in this state,~~ 3699
except that only one thousand hours of board-approved hair 3700
designer training in a school ~~of cosmetology licensed in this-~~ 3701
~~state~~ is required of an individual licensed as a barber under 3702
Chapter 4709. of the Revised Code; 3703

~~(9)~~ (10) In the case of an applicant for an initial 3704
manicurist license, has successfully completed at least two 3705
hundred hours of board-approved manicurist training in a school 3706
~~of cosmetology licensed in this state;~~ 3707

~~(10)~~ (11) In the case of an applicant for an initial 3708

natural hair stylist license, has successfully completed at 3709
least four hundred fifty hours of instruction in subjects 3710
relating to ~~sanitation~~infection control, scalp care, anatomy, 3711
hair styling, communication skills, and laws and rules governing 3712
the practice of cosmetology. 3713

(B) The board shall not deny a license to any applicant 3714
based on prior incarceration or conviction for any crime. If the 3715
board denies an individual a license or license renewal, the 3716
reasons for such denial shall be put in writing. 3717

(C) The board shall issue a practicing license in a branch 3718
of cosmetology in accordance with Chapter 4796. of the Revised 3719
Code to an applicant if either of the following applies: 3720

(1) The applicant holds a license in that branch of 3721
cosmetology in another state. 3722

(2) The applicant has satisfactory work experience, a 3723
government certification, or a private certification as 3724
described in that chapter in that branch of cosmetology in a 3725
state that does not issue that license. 3726

Sec. 4713.30. (A) Except as provided in division (B) of 3727
this section, the state cosmetology and barber board shall issue 3728
an advanced license to an applicant who satisfies all of the 3729
following applicable conditions: 3730

(1) Is at least sixteen years of age; 3731

(2) Has the equivalent of an Ohio public school tenth 3732
grade education; 3733

(3) Pays to the board the applicable application fee; 3734

(4) Notwithstanding section 4798.05 of the Revised Code, 3735
submits to having a photograph taken by the board; 3736

(5) Passes the appropriate advanced license examination; 3737

~~(5)~~ (6) In the case of an applicant for an initial 3738
advanced ~~cosmetologist~~ license to practice cosmetology, does 3739
either of the following: 3740

(a) ~~Has a licensed advanced cosmetologist or owner of a~~ 3741
~~licensed beauty salon located in this or another state certify~~ 3742
~~to~~ Submits proof, as determined by the board, that the applicant 3743
has practiced as a cosmetologist for at least one thousand eight 3744
hundred hours in a licensed beauty salon; 3745

(b) Has a school ~~of cosmetology~~ licensed in this state 3746
certify to the board that the applicant has successfully 3747
completed, in addition to the hours required for licensure as a 3748
cosmetologist, at least three hundred hours of board-approved 3749
advanced cosmetologist training. 3750

~~(6)~~ (7) In the case of an applicant for an initial 3751
advanced ~~esthetician~~ license to practice esthetics, does either 3752
of the following: 3753

(a) ~~Has the licensed advanced esthetician, licensed~~ 3754
~~advanced cosmetologist, or owner of a licensed esthetics salon~~ 3755
~~or licensed beauty salon located in this or another state~~ 3756
~~certify to~~ Submits proof, as determined by the board, that the 3757
applicant has practiced esthetics for at least one thousand 3758
eight hundred hours as an esthetician in a licensed esthetics 3759
salon or as a cosmetologist in a licensed beauty salon; 3760

(b) Has a school ~~of cosmetology~~ licensed in this state 3761
certify to the board that the applicant has successfully 3762
completed, in addition to the hours required for licensure as an 3763
esthetician or cosmetologist, at least one hundred fifty hours 3764
of board-approved advanced esthetician training. 3765

~~(7)~~ (8) In the case of an applicant for an initial 3766
advanced ~~hair designer~~ license to practice hair design, does 3767
either of the following: 3768

(a) ~~Has the licensed advanced hair designer, licensed~~ 3769
~~advanced cosmetologist, or owner of a licensed hair design salon~~ 3770
~~or licensed beauty salon located in this or another state~~ 3771
~~certify to~~ Submits proof, as determined by the board, that the 3772
applicant has practiced hair design for at least one thousand 3773
eight hundred hours as a hair designer in a licensed hair design 3774
salon or as a cosmetologist in a licensed beauty salon; 3775

(b) ~~Has a school of cosmetology~~ licensed in this state 3776
certify to the board that the applicant has successfully 3777
completed, in addition to the hours required for licensure as a 3778
hair designer or cosmetologist, at least two hundred forty hours 3779
of board-approved advanced hair designer training. 3780

~~(8)~~ (9) In the case of an applicant for an initial 3781
advanced ~~manicurist~~ license to practice manicuring, does either 3782
of the following: 3783

(a) ~~Has the licensed advanced manicurist, licensed~~ 3784
~~advanced cosmetologist, or owner of a licensed nail salon,~~ 3785
~~licensed beauty salon, or licensed barber shop located in this~~ 3786
~~or another state certify to~~ Submits proof, as determined by the 3787
board, that the applicant has practiced manicuring for at least 3788
one thousand eight hundred hours as a manicurist in a licensed 3789
nail salon or licensed barber shop or as a cosmetologist in a 3790
licensed beauty salon or licensed barber shop; 3791

(b) ~~Has a school of cosmetology~~ licensed in this state 3792
certify to the board that the applicant has successfully 3793
completed, in addition to the hours required for licensure as a 3794

manicurist or cosmetologist, at least one hundred hours of 3795
board-approved advanced manicurist training. 3796

~~(9)~~ (10) In the case of an applicant for an initial 3797
advanced ~~natural hair stylist license~~ to practice natural hair 3798
styling, does either of the following: 3799

(a) ~~Has the licensed advanced natural hair stylist,~~ 3800
~~licensed advanced cosmetologist, or owner of a licensed natural~~ 3801
~~hair style salon or licensed beauty salon located in this or~~ 3802
~~another state certify to~~ Submits proof, as determined by the 3803
board, that the applicant has practiced natural hair styling for 3804
at least one thousand eight hundred hours as a natural hair 3805
stylist in a licensed natural hair style salon or as a 3806
cosmetologist in a licensed beauty salon; 3807

(b) Has a school ~~of cosmetology~~ licensed in this state 3808
certify to the board that the applicant has successfully 3809
completed, in addition to the hours required for licensure as a 3810
natural hair stylist or cosmetologist, at least one hundred 3811
fifty hours of board-approved advanced natural hair stylist 3812
training. 3813

(11) Pays to the board the applicable license fee. 3814

(B) The board shall issue an advanced license in a branch 3815
of cosmetology in accordance with Chapter 4796. of the Revised 3816
Code to an applicant if either of the following applies: 3817

(1) The applicant holds an advanced license in that branch 3818
of cosmetology in another state. 3819

(2) The applicant has satisfactory work experience, a 3820
government certification, or a private certification as 3821
described in that chapter in that branch of cosmetology in a 3822
state that does not issue that license. 3823

Sec. 4713.31. (A) ~~The~~ Except as provided in division (B) 3824
of this section, the state cosmetology and barber board shall 3825
issue an instructor license to an applicant who satisfies all of 3826
the following applicable conditions: 3827

(1) Is at least eighteen years of age; 3828

(2) Has the equivalent of an Ohio public school twelfth 3829
grade education; 3830

(3) Pays to the board the applicable application fee; 3831

(4) Notwithstanding section 4798.05 of the Revised Code, 3832
submits to having a photograph taken by the board; 3833

(5) In the case of an applicant for an initial cosmetology 3834
instructor license, holds a current, valid advanced 3835
~~cosmetologist~~ license to practice cosmetology issued in this 3836
state and does either of the following: 3837

(a) ~~Has the licensed advanced cosmetologist or owner of~~ 3838
~~the licensed beauty salon in which the applicant has been~~ 3839
~~employed certify to~~ Submits proof, as determined by the board, 3840
that the applicant has engaged in the practice of cosmetology in 3841
a licensed beauty salon for at least one thousand eight hundred 3842
hours; 3843

(b) Has a school ~~of cosmetology~~ licensed in this state 3844
certify to the board that the applicant has successfully 3845
completed one thousand hours of board-approved cosmetology 3846
instructor training as an apprentice instructor. 3847

~~(5)~~ (6) In the case of an applicant for an initial 3848
esthetics instructor license, holds a current, valid advanced 3849
~~esthetician or advanced cosmetologist~~ license to practice 3850
esthetics or cosmetology issued in this state and does either of 3851

the following: 3852

(a) ~~Has the licensed advanced esthetician, licensed~~ 3853
~~advanced cosmetologist, or owner of the licensed esthetics salon~~ 3854
~~or licensed beauty salon in which the applicant has been~~ 3855
~~employed certify to~~ Submits proof, as determined by the board, 3856
that the applicant has engaged in the practice of esthetics in a 3857
licensed esthetics salon or practice of cosmetology in a 3858
licensed beauty salon for at least one thousand eight hundred 3859
hours; 3860

(b) ~~Has a school of cosmetology~~ licensed in this state 3861
certify to the board that the applicant has successfully 3862
completed at least five hundred hours of board-approved 3863
esthetics instructor training as an apprentice instructor. 3864

~~(6)~~ (7) In the case of an applicant for an initial hair 3865
design instructor license, holds a current, valid advanced ~~hair~~ 3866
~~designer or advanced cosmetologist~~ license to practice hair 3867
design or cosmetology and does either of the following: 3868

(a) ~~Has the licensed advanced hair designer, licensed~~ 3869
~~advanced cosmetologist, or owner of the licensed hair design~~ 3870
~~salon or licensed beauty salon in which the applicant has been~~ 3871
~~employed certify to~~ Submits proof, as determined by the board, 3872
that the applicant has engaged in the practice of hair design in 3873
a licensed hair design salon or practice of cosmetology in a 3874
licensed beauty salon for at least one thousand eight hundred 3875
hours; 3876

(b) ~~Has a school of cosmetology~~ licensed in this state 3877
certify to the board that the applicant has successfully 3878
completed at least eight hundred hours of board-approved hair 3879
design ~~instructor's~~ instructor training as an apprentice 3880

instructor. 3881

~~(7)~~ (8) In the case of an applicant for an initial 3882
manicurist instructor license, holds a current, valid advanced 3883
~~manicurist or advanced cosmetologist~~ license to practice 3884
manicuring or cosmetology and does either of the following: 3885

(a) ~~Has the licensed advanced manicurist, licensed~~ 3886
~~advanced cosmetologist, or owner of the licensed nail salon or~~ 3887
~~licensed beauty salon in which the applicant has been employed~~ 3888
~~certify to~~ Submits proof, as determined by the board, that the 3889
applicant has engaged in the practice of manicuring in a 3890
licensed nail salon or practice of cosmetology in a licensed 3891
beauty salon for at least one thousand eight hundred hours; 3892

(b) Has a school ~~of cosmetology~~ licensed in this state 3893
certify to the board that the applicant has successfully 3894
completed at least three hundred hours of board-approved 3895
manicurist instructor training as an apprentice instructor. 3896

~~(8)~~ (9) In the case of an applicant for an initial natural 3897
hair style instructor license, holds a current, valid advanced 3898
~~natural hair stylist or advanced cosmetologist~~ license to 3899
practice natural hair styling or cosmetology and does either of 3900
the following: 3901

(a) ~~Has the licensed advanced natural hair stylist,~~ 3902
~~licensed advanced cosmetologist, or owner of the licensed~~ 3903
~~natural hair style salon or licensed beauty salon in which the~~ 3904
~~applicant has been employed~~ certify to Submits proof, as 3905
determined by the board, that the applicant has engaged in the 3906
practice of natural hair styling in a licensed natural hair 3907
style salon or practice of cosmetology in a licensed beauty 3908
salon for at least one thousand eight hundred hours; 3909

(b) Has a school ~~of cosmetology~~ licensed in this state 3910
certify to the board that the applicant has successfully 3911
completed at least four hundred hours of board-approved natural 3912
hair style instructor training as an apprentice instructor. 3913

~~(9)~~ (10) In the case of all applicants, passes an 3914
examination conducted under division (B) of section 4713.24 of 3915
the Revised Code for the branch of cosmetology the applicant 3916
seeks to instruct. 3917

(11) Pays to the board the applicable license fee. 3918

(B) The board shall issue an instructor license for a 3919
branch of cosmetology in accordance with Chapter 4796. of the 3920
Revised Code to an applicant if either of the following applies: 3921

(1) The applicant holds an instructor license in that 3922
branch of cosmetology in another state. 3923

(2) The applicant has satisfactory work experience, a 3924
government certification, or a private certification as 3925
described in that chapter as an instructor in that branch of 3926
cosmetology in a state that does not issue that license. 3927

Sec. 4713.34. (A) The state cosmetology and barber board 3928
shall issue a license to practice a branch of cosmetology or 3929
instructor license to an applicant who is licensed or registered 3930
in another country to practice that branch of cosmetology or 3931
teach the theory and practice of that branch of cosmetology, as 3932
appropriate, ~~if all of the following conditions are satisfied:~~ 3933

~~(A)~~ The applicant satisfies all of the following 3934
conditions: 3935

(1) Is not less than eighteen years of age; 3936

(2) In the case of an applicant for a practicing license, 3937

passes an examination conducted under section 4713.24 of the Revised Code for the license the applicant seeks, unless the applicant satisfies conditions specified in rules adopted under section 4713.08 of the Revised Code for the board to issue the applicant a license without taking the examination;

(3) Pays the applicable fee.

(B) At the time the applicant obtained the license or registration in the other country, the requirements in this state for obtaining the license the applicant seeks were substantially equal to the other country's requirements.

~~(C) The jurisdiction that issued the applicant's license or registration extends similar reciprocity to individuals holding a license issued by the board.~~

Sec. 4713.69. (A) Except as provided in division ~~(D)~~ (C) of this section, the state cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

~~(2) Has the equivalent of an Ohio public school tenth-grade education;~~

~~(3) Has submitted a written application on a form prescribed by the board containing all of the following:~~

(a) The applicant's name and home address;

(b) The applicant's home telephone number and cellular telephone number, if any;

(c) The applicant's electronic mail address, if any;

(d) The applicant's date of birth;

~~(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.~~ 3965
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3967

~~(f)~~ Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state; 3968
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~~(g)~~ (f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state; 3972
3973
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~~(h)~~ (g) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 3975
3976
3977

~~(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.~~ 3978
3979
3980
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~~(C)~~ The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 3982
3983
3984

~~(D)~~ (C) The board shall issue a boutique services registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 3985
3986
3987

(1) The applicant holds a license or registration in providing boutique services in another state. 3988
3989

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in providing boutique services in a 3990
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3992

state that does not issue that license or registration. 3993

Section 5. That the existing versions of sections 4709.07, 3994
4709.08, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, and 3995
4713.69 of the Revised Code that are scheduled to take effect 3996
December 29, 2023, are hereby repealed. 3997

Section 6. That the version of section 4709.10 of the 3998
Revised Code that is scheduled to take effect December 29, 2023, 3999
is hereby repealed. 4000

Section 7. Sections 4, 5, and 6 of this act take effect 4001
December 29, 2023. 4002

Section 8. Section 4713.02 of the Revised Code, as amended 4003
by this act, does not affect the terms of members of the State 4004
Cosmetology and Barber Board serving on the Board on the 4005
effective date of this section. 4006

Section 9. Notwithstanding the amendment of sections in 4007
Chapter 4713. of the Revised Code in this act, which no longer 4008
provides for school of cosmetology licenses, a valid school of 4009
cosmetology license held by a person on or after the effective 4010
date of this section is valid for the duration of that license 4011
term. On the expiration of that license, the State Cosmetology 4012
and Barber Board shall issue to a license holder who wishes to 4013
renew that license a school license under section 4713.44 of the 4014
Revised Code, as enacted by this act, if the license holder 4015
meets the requirements to be issued the school license. 4016

Section 10. Notwithstanding the amendment of sections in 4017
Chapter 4709. of the Revised Code in this act, which no longer 4018
provides for barber school licenses, a valid barber school 4019
license held by a person on or after the effective date of this 4020
section that is set to expire on August 31, 2024, is valid until 4021

January 31, 2025. On the expiration of that license, the State 4022
Cosmetology and Barber Board shall issue to a license holder who 4023
wishes to renew that license a school license under section 4024
4713.44 of the Revised Code, as enacted by this act, if the 4025
license holder meets the requirements to be issued the school 4026
license. 4027

Section 11. The General Assembly, applying the principle 4028
stated in division (B) of section 1.52 of the Revised Code that 4029
amendments are to be harmonized if reasonably capable of 4030
simultaneous operation, finds that the following sections, 4031
presented in this act as composites of the sections as amended 4032
by the acts indicated, are the resulting versions of the 4033
sections in effect prior to the effective date of the sections 4034
as presented in this act: 4035

Section 2925.01 of the Revised Code as amended by H.B. 4036
281, H.B. 509, and S.B. 25, all of the 134th General Assembly. 4037

Section 4709.07 of the Revised Code that is scheduled to 4038
take effect December 29, 2023, as amended by both H.B. 509 and 4039
S.B. 131 of the 134th General Assembly. 4040

Section 4713.28 of the Revised Code that is scheduled to 4041
take effect December 29, 2023, as amended by H.B. 509 and S.B. 4042
131, both of the 134th General Assembly. 4043